

State, Identity and Violence:
JAMMU, KASHMIR AND LADAKH

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Under the auspices of
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Contents

<i>Foreword</i>	7
<i>Acknowledgements</i>	9
<i>Introduction</i>	11
1. The Argument	21
2. Genesis of Identities	32
3. Nationalist Fervour	44
4. Dream Gone Sour	73
5. Embrace of the Hegemon	107
6. Accord and Discord	133
7. Insurgency in the Kashmir Valley	164
8. Separatist Agenda of Ladakh and Jammu	215
9. Hopes Belied?	248
10. Thoughts for the Future	277
<i>Appendices</i>	305
<i>Bibliography</i>	361
<i>Index</i>	373

Foreword

India is arguably the world's most diverse society. Its plurality encompasses 25 constitutionally recognized languages and 2,000 other languages, about 2,000 castes, at least 15 major religions and more than 2,800 ethnic communities. Jammu & Kashmir state with its extraordinary medley of races, tribal groups, languages and religions is, in many ways, a microcosm of India. However, due to the long-standing bilateral dispute with Pakistan, the Kashmir issue is generally understood and analysed from an India-Pakistan perspective. As a corollary, the two parts of the divided Jammu & Kashmir state are treated as homogenous entities and the Kashmir conflict is defined in terms of Kashmiris seeking to break away from the Indian State. This is true, but it is not the whole truth. As Navnita Chadha Behera brings out, there is an urgent need to recognize the deeply plural political character of the state and to understand and attempt to fulfil the political aspirations of all the communities living in Jammu & Kashmir because for many of them the right to self-determination has little appeal. She calls for changing the terms of reference of the Kashmir conflict because the Indian government must make peace with its own constituents, the people of Jammu & Kashmir state, before negotiations with Pakistan can yield any real breakthrough. The international community should also be sensitized to the multifaceted character of the Kashmir conflict. It is important for them to understand that the Indian government must not only take into account the political demands of Kashmiri Muslims waging a militant movement in the Valley, but also that of other communities which have remained on the margins of power within the state.

Centre for Policy Research (CPR) has had an abiding interest in issues relating to the Indian polity and indeed how to organize a system of governance which enables effective participation and preserves and promotes minority cultural traditions in a highly diverse and plural society like India? It may be relevant to point out that the charter of the CPR envisages the objective of studying major national policy issues to develop the knowledge for suggesting

alternative policy options. It has, therefore, sought to contribute to the ongoing debate on questions of significance to national polity.

The most serious challenge to the Indian polity over the past five decades has emanated from separatist and secessionist movements within. Why do political groups and communities seek secession? This question has been studied ~~and analysed~~ by historians, political scientists, economists and sociologists. The last word on this issue is yet to be written. Jammu & Kashmir state, as Navnita argues, makes an interesting case-study to examine this issue because it is perhaps the only state in India that has witnessed political demands of all hues and shades, ranging from affirmative discrimination to more autonomy, a separate constitutional status within the Indian State to outright secession. The resolution on Autonomy by the Jammu & Kashmir State Assembly on 26 June 2000 has added to the debate on this issue.

This volume offers some insights into how the Indian State has coped with these demands through mechanisms such as the special status for Jammu & Kashmir under Article 370 in the Indian Constitution and, more recently, the Autonomous Hill Development Council for Leh (Ladakh). In this context, a number of problems have been analysed and suggestions made for development of sub-federal institutions. There could be other approaches too. We hope that this study will provide a wider understanding of the Kashmir issue and stimulate fresh initiatives for a just and long-term resolution of many problems related to Jammu & Kashmir.

*Centre for Policy Research
New Delhi
July 2000*

V.A. Pai Panandiker
President

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My last word of thanks is reserved for my husband Ajay Darshan Behera. Without his constant support and encouragement, specially after the birth of our daughter, Ananya, none of this would have happened.

Any omission in the study is my responsibility.

Introduction

This book is an attempt to understand social formations—ethnic, religious, regional, cultural and linguistic identities, their politicization and changing relationship with the state in the context of Jammu & Kashmir. Outlining the historical perspective, it examines the relationship of the Kashmiri identity with the Indian State; the regional identities of Jammu and Ladakh with the state; subregional identities with the regional centres, as, for example, Kargil's relationship with Leh and Zaskar's with Kargil in Ladakh; politicization of the Kashmiri Pandit community in the Valley; and Gujjar, Pahari and Dogri ethno-linguistic identities in the Jammu region. The idea is to trace the roots of the Kashmiri insurgency and separatist demands within the state. It also debates the need for rethinking the notion of a 'national' identity, and of restructuring the Indian State to better represent its plural social realities that requires its political leadership to break out of its mindset as to what is quintessentially the 'national good' and what steps may be undertaken to let regions and subregions in a federal entity continue to reflect the unique history, culture and identity of each, be they Marathas or Nagas or Sikhs or Kashmiris.

This study is also important from the standpoint of larger theoretical considerations. I started with two queries. Bearing in mind the multiple identities of a community in terms of language, religion, caste, culture, ethnic and regional affiliations, why does a particular aspect become politicized at a specific moment in history? What are the structural causes of conflicts resulting from social, cultural, economic and political demands of sub-national identities?

The present literature on nationalism and ethnic conflicts is dominated by the modernist school of thinking that has fundamentally transformed our ways of thinking about the notion of identity and state. Its main thesis is that nation states are created by certain causal factors which bind together the diverse communities living within their territorial boundaries. The rise of nationalism is explained through a dominant, centralizing idea or principle that organizes different people and social groups into a single nation state. For

example, the Marxist approach focused on the impact of socio-economic and power disparities and class analysis as a key to understanding the root causes of nationalism. Michael Hechter's 'internal colonialism', Tom Nairn's 'uneven development theory', and Anthony Mughan's 'regional relative deprivation' are some significant examples.¹ Another theoretical perspective outlined by Ernest Gellner and Anthony D. Smith identifies ethnic groups with reference to their culture and history in a particular homeland territory, and considers elite interests and conflicts for political and economic power as the basic foundations for the emergence of nationalist movements.² Modernity essentially postulates a single narrative of a nation state that seeks to subsume and solely represent all social, cultural, economic and political aspirations of various communities, because, as Nandy points out, nation states fear diversity.³

Post-modernist literature rejects such attempts to unify the plural social reality and questions the logic of the nationalist discourse with its centralizing ideology. The premise of subaltern studies in Indian history, for example, is that 'the domain of politics was structurally split and not unified and homogeneous as elite interpretation had made it out to be', for what was clearly left out of 'this unhistorical (elitist) historiography was the politics of the people'.⁴ Recognizing and giving social, cultural and political space to people, social groups and nationalities lies at the heart of the post-modernist approach. There is no single narrative of a nation state, but different narratives of communities, and all are important.⁵ If the modernist worldview is shaped by a top-down approach that views assertion of sub-nationalities as a threat to the nation state, the post-modernists study 'the peoples and social movements' in their own right.⁶

Through completion of this study my own intellectual predilections have evolved and this book reflects the transitional phase from modernist to post-modernist thinking. I have a serious problem with the modernist concept of nation state, nor have I completely come to terms with the logical conclusion of the post-modernist viewpoint which is to do away with the state altogether. I have not been able to conceptualize and present an alternative political formation in lieu of the state nor am I reconciled to the spectre of potentially uncontrollable fragmentation, perhaps even anarchy. What I have gained from the post-modernist approach is a greater sensitivity and respect for diversity and, accordingly, my aim is to try to design and create alternative institutional mechanisms which will give a voice to the plural social realities of a polyethnic and multicultural society like

India's. My prescriptions are thus deeply federal and decentralizing in nature, evolved in the spirit of a bottom-up approach. The central theme of the book, therefore, is that certain structural features of the modern Indian nation state are divisive and lie at the roots of tension and unrest in its polity. The remedy lies in creating indigenous, alternative and intermediate political structures to give voice to the pluralities—religion, class, caste, ethnic and linguistic—that make up its identity.

Furthermore, modernity seems to include a firm belief in the development and nation-building model with the West as an ideal type.⁷ Originating in European Enlightenment, 'modernity nurtures a unilinear vision of progress—from tradition to modern, from tribalism to nationhood' and 'progress, in fact, is measured by the extent to which the non-Western, non-modern societies have succeeded in replicating the experience in the modern "Western" state'.⁸ However, the Western nation state emerged in the largely homogeneous societies of Europe. A mechanical application of the nation state idea with its monolithic credo and unitary state structures on the deeply multicultural societies of the Third World is structurally flawed. The whole process negated the diversity, humaneness and freedom that were fundamental to their cultures. Trying to manage and enforce ideological and political conformity on the sub-nationalities in the interest of the nation state, is to 'impose a monolithness and homogenization that were alien and alienating'.⁹ In the Indian context, the Congress leadership (specially Jawaharlal Nehru) though conscious of the inherent pluralities of its society, was nevertheless beholden to the logic of the European model of the nation state. This was evident from the Congress decision to create a union with a strong centre rather than a loose federation with a weak centre. The Indian State was vested with a strong central authority to organize and manage social relations among diverse communities and sub-nationalities to ensure their allegiance to the Indian nation.

I shall argue that this disjuncture between plural social realities and unitary political structures is the root cause of separatist challenges to the Indian polity. Also, the logic of electoral politics has led the nation state to become 'one of the major tactics for organizing the majority of the people for reproducing state power'.¹⁰ Since political parties are forced to woo the majority section of the people to win elections, they seek to organize 'majorities' by appealing to categories as diverse as 'ethnic', 'religious', 'racial', 'linguistic' or even

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a combination of some or all of them. Such a situation not only puts pressure on the less powerful community to organize its separate identity, but also 'deepens the hatred between the well-defined communities or nationalities, particularly when the nation-building is organized and measured in terms of the will of the majority' which exercises state power. The organization and consolidation of a majority leads to marginalization and alienation of minority communities. The fragmentation of people into 'majority' and 'minority' communities and resultant demands ranging from affirmative discrimination and autonomy to secession has critical consequences for the Indian State.

The rich and panoramic political canvas of the Indian polity offers many possibilities to study this phenomenon. My choice of Jammu & Kashmir proved to be a little problematic. Considering the plethora of literature on Kashmir, yet another volume seemed in the first instance, to be rather like flogging a dead horse. However, careful analysis convinced me that the present literature has rarely addressed, far less explained, the internal political dynamics of the state.

The literature on Kashmir can be divided into three broad categories. The first includes books written in an international relations framework, examining the India-Pakistan conflict on Kashmir, and, as a fallout, the secessionist movement of Kashmiris is explained either from the Indian standpoint of a 'proxy war' being waged by Pakistan¹¹ or an uprising/movement for self-determination by Kashmiris as propounded by Pakistan.¹² These explanations are atheoretical and mostly partisan; they attempt to justify a particular government's point of view. Books presenting historical accounts and narratives of political developments, particularly those of the Kashmiri insurgency in the 1990s, by players directly involved or affected by the movement,¹³ social scientists¹⁴ and journalists¹⁵ fall in the second category. Most of these also lack a theoretical perspective and invariably focus on Kashmir Valley ignoring altogether the politics of Jammu and Ladakh.¹⁶ Third, some recent publications, specially those of Sumit Ganguly and Sumantra Bose, have sought to provide a theoretical explanation of the secessionist movement of Kashmiris.¹⁷ Ganguly explains the insurgency by the linked processes of political mobilization and institutional decay.¹⁸ The central argument is that modernization exposed young Kashmiris to the possibilities of alternative futures, but the political process largely choked off such opportunities. Unable to express democratic dissent in an institutional context, this new generation of Kashmiris resorted

to violence. Bose posits a key causal connection between the Indian State's consistent policy of denying democracy, coupled with systematic subversion and destruction of Jammu & Kashmir's federal autonomy and the Kashmiri uprising 'for self-determination' that erupted in the 1990s.¹⁹ These arguments, however, do not explain why the same processes produced a radically different political response in Jammu and Ladakh, which vehemently opposed the Valley's demand for secession. Ganguly's argument is linked to the India-Pakistan dimension of the Kashmir conflict and he does not address the Jammu and Ladakh factor at all. Bose briefly touches upon it but squarely blames the successive Congress governments in New Delhi for not addressing Jammu's grievances. Ganguly also does not take account of the deep divide between Kashmiri Muslims and Kashmiri Pandits that emerged in this decade. As a corollary, his strategies and internal measures to resolve the crisis in Kashmir address the political concerns of only the majority community, that is, the Kashmiri Muslims. I shall argue that the assumption that Jammu & Kashmir state like much of India, being a unified political unit is a fallacy, and any remedial measures which do not take into account the political aspirations of *all* communities living within the state are doomed to failure.

The long-standing dispute between India and Pakistan over Kashmir has tended to distort the understanding of this issue. The world community tends to equate the state with the Kashmir Valley and the Valley with Kashmiri Muslims. The 'Kashmir issue' is thus presented as an intractable 'territorial dispute' between two belligerent neighbours, or, at best, as Kashmiris' struggle for an independent state of Jammu & Kashmir. Little is known about the plurality of the state with diverse communities such as Gujjars, Bakkarwals, Kashmiri Pandits, Dogras and Ladakhi Buddhists for whom the right of self-determination has little appeal, and even less is known about their political aspirations and political choices. Each is engaged in a little battle for nurturing its socio-cultural identity, seeking avenues of social and economic development and creating its own political space. I shall argue against subsuming these diverse little traditions under a broad, sweeping and overarching category of 'the Kashmir conflict' and make a modest attempt at gaining a holistic understanding of the rich, complex and multilayered nature of the social, cultural and political aspirations of various communities and nationalities.

The scope of the book, has not totally escaped from the seemingly

omnipresent 'Pakistan factor' albeit in a very different manner. The pre-1947 state consisted of the Jammu region, Kashmir Valley, Ladakh, Baltistan and Gilgit Wazarat. After the India-Pakistan war in 1947-8, the Ceasefire Line divided the state into two parts. Kashmir Valley, Ladakh and a substantial chunk of the Jammu region continue to be a part of India and the Mirpur-Muzaffarabad belt in Jammu region—the present day Azad Kashmir—and Baltistan and Gilgit, rechristened as the Northern Areas, are under Pakistan's control. Much though I wished to undertake a comprehensive study of the entire state, I was struck by the total absence of literature on the internal politics of Azad Kashmir and the Northern Areas. Whether this is so by design or coincidence remains a puzzle. It was a strange revelation that considering Kashmir has always been projected as 'integral to Pakistan's national identity' and securing the Kashmiris' right of self-determination lies at the core of Pakistan's ideology, polity and foreign policy, the social concerns, political aspirations and political choices of Kashmiris living under the control of Pakistan have evoked no scholarly interest. Despite my best efforts to procure some research material from Pakistan, I drew a blank. Unfortunately, that leaves this study incomplete to that extent.

I shall examine four sets of issues in this book. First, I shall deal with the processes and politics of identity formation in Jammu & Kashmir, beginning from the Dogra period to the 1990s. The debate on the concept of identity remains divided, whether it is a primordial or instrumental phenomenon.²⁰ Here identity is viewed as a political construct open to creation, manipulation and dispensation depending on the varying political exigencies and demands of the social groups in question. Another aspect of this debate pertains to the role of the elite in shaping and moulding the identity of a community or merely being its spokesmen. I believe that the elite certainly plays an important role in shaping and articulating the identity but the key lies in understanding the social and political response of the people. Without mass support, a group identity is of little political consequence. I shall demonstrate this point with reference to the regional identity of Jammu, the Islamicization of Kashmiri identity and other movements which failed to achieve their objectives for lack of popular support. I shall also discuss the nature, rationale and political implications of the changing dimensions of a given community's identity. For example, what explains the constant tussle between the secular and religious edge of the Kashmiri identity? Why did the dominance of the religious factor in articulation

of the identity of Jammu region ebb after the 1950s? How did the ethno-religious divide of the Ladakh region between Buddhist-majority Leh and Shia Muslim-dominated Kargil come about?

The second set of issues pertains to the social, cultural, economic and political demands of various communities in the state. The literature on ethnic nationalism tends to divide various political demands into two broad categories: autonomist and secessionist.²¹ The first includes two types of demands. One, affirmative discrimination seeks redress of a certain type of inherent inequality in the existing socio-political structures, for example, through reservations. Two, the movements associated with autonomy and home rule demands; their goal is to resist further incorporation, subordination within the larger political system or gain complete control over their political, economic and cultural affairs while remaining within the territorial boundary of the present state. In many cases, these movements aim at constitutional reforms and governmental restructuring to establish regional autonomy. Secessionist movements, on the other hand, seek to break away completely from an existing state to establish a new state and describe themselves as distinct nations capable of assuming sovereignty over their homeland territory. I shall examine all variants of such political demands. For example, Scheduled Tribe status for Gujjar and Pahari communities; demands of regional autonomy and a separate state of Jammu; union territory status and an autonomous hill council for the Ladakh region; a separate homeland for Kashmiri Pandits, and, of course, the Kashmiris' demand for secession from the Indian State. Socio-cultural demands of communities such as inclusion of Dogri language in the Eighth Schedule of the Indian Constitution and introduction of Bodhi language in schools of Leh district in Ladakh, shall also be looked into.

Third, the bilateral dimension of the Kashmir conflict shall be examined only to the extent it influenced politics in the Indian part of the state. I shall briefly touch upon the political developments in the Pakistan part of Kashmir but that portion is incomplete for the reasons explained earlier. The Kashmir issue is closely linked with Indian and Pakistani nationalism. Pakistan's attempts to annex Kashmir by overt and covert military means have failed time and again. This is because of a fundamental conflict between Pakistan's Islamic nationalism and the hitherto secular ethos of the Kashmiris. That is why, despite the Kashmiris' deep-seated alienation from the Indian State, most do not favour accession to Pakistan and of late

Kashmiri militant outfits increasingly disillusioned with Pakistan are being replaced by foreign mercenaries.

Finally, what is the way out? I shall argue that a good long-term strategy to address separatist and secessionist demands does not lie in fighting or suppressing its manifestations but in removing its *raison d'être*. There is need to create a political system that allows healthy nurturing of the sub-national and subregional identities and develop stakes for them so that the polity holds together because its myriad identities desire a voluntary union with the state and not because the dominant identity believes it is in its interest to do so. This calls for serious rethinking of the notion of 'national' identity and restructuring of the Indian State. What steps need to be taken to bring about this transformation? I shall conclude with a discussion on the portents for the future, both for Jammu & Kashmir state and the Indian State.

NOTES

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9. Wignaraja, op. cit., p. 7.
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- 'Kashmir', *Strategic Analysis*, 23 (11): 111-98. His analysis is based on the scenario presented by 'Operation Topac', a fictional account of a scheme designed to destabilize Jammu & Kashmir that was supposedly hatched in 1988 under the military dictatorship of Gen. Mohammed Zia-ul-Haq of Pakistan. Prem Shankar Jha, *Kashmir, 1947: Rival Versions of History*, New Delhi: Oxford University Press, 1996. Jha presents the Indian viewpoint on the issue of the accession of Kashmir to India in 1947.
12. Shaheen Akhtar, *Uprising in Indian-held Jammu & Kashmir*, Islamabad: Institute of Regional Studies, 1991; Alistair Lamb, *Kashmir: A Disputed Legacy, 1846-1990*, Karachi: Oxford University Press, 1992. Lamb questions the legality and validity of the Instrument of Accession, as argued by Pakistan. Also see Mushtaq Rahman, *Divided Kashmir: Old Problems, New Opportunities for India, Pakistan and for Kashmiri People*, Colorado: Lynne Rienner Publishers, 1996.
 13. See Jammu & Kashmir Governor Jagmohan's book, *My Frozen Turbulence*, New Delhi: Allied Publishers, 1991. Ved Marwah, Jagmohan's Adviser, has penned his experiences in *Uncivil Wars: Pathology of Terrorism in India*, New Delhi: Harper Collins, 1995. Also see Maj. Gen. Arjun Ray, *Kashmir Diary: Psychology of Militancy*, New Delhi: Manas Publications, 1997. For a Kashmiri Muslim point of view, see Amanullah Khan, *Free Kashmir*, Karachi, 1970; Yasin Malik, *Our Real Crime*, Srinagar: JKLF, 1994; Shamsul Haq, *Hizbul Mujahideen: Its Background and Struggle*, Rawalpindi: Markaz Matbruit Kashmir, May 1994 [Urdu]; Alifuddin Tarabi, *Hizbul Mujahideen: The Principles and Struggle* [Urdu], n.d. For the Kashmiri Pandits' point of view, see *Why Homeland?* Panun Kashmir, n.d.; D.M. Munshi, *Agony in Kashmir*, New Delhi: Suruchi Prakashan, 1992; Jammu & Kashmir Sahayata Samiti, *Genocide of Hindus in Kashmir*, New Delhi: Suruchi Prakashan, 1993.
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 18. Sumit Ganguly, *The Crisis in Kashmir: Portents of War, Hopes of Peace*, Cambridge: Cambridge University Press, 1997.
 19. Sumantra Bose, *The Challenge in Kashmir: Democracy, Self-determination and a Just Peace*, New Delhi: Sage Publications, 1997.
 20. Crawford Young drew a dichotomy between primordial and instrumental bases

of ethnic mobilization. See Crawford Young (1983), 'The Temple of Ethnicity', *World Politics*, 35 (4): 652-6. Paul Brass adopts an instrumentalist approach in a debate with Francis Robinson on the question of weight accorded to primordial or instrumental factors in nationalism. See Paul Brass, *Ethnicity and Nationalism: Theory and Comparison*, New Delhi: Sage Publications, 1991.

21. Peter Lyon drew a distinction between separatist and secessionist movements in 'Separatism and Secession in the Malaysian Realm, 1948-1965', in *The Politics of Separatism*, London: Institute of Commonwealth Studies, 1975. Michael Hechter and Margaret Levi classify modern ethno-regional movements into three categories: irredentism, autonomism and secessionism. See Michael Hechter and Margaret Levi (1979), 'The Comparative Analysis of Ethno-Regional Movements', *Ethnic and Racial Studies*, 2 (1): 260-73.

CHAPTER 1

The Argument

Modernity, heralded by British colonial rule in India, changed fundamentally and irreversibly the paradigm of governance from the social to the political realm. The concepts of state and identity are a result of the nationalist consciousness which had its genesis in the nineteenth century. They are a modern creation that must be understood by analysing the process of their historical construction. Colonial rule materially changed people's perceptions of the collective self and place in the social and political world.

IDENTITY AND POLITICAL AUTHORITY IN PRE-COLONIAL INDIA

How were the social and political formations in pre-colonial India qualitatively different? People living in communities followed elaborately codified rules of social differentiation although their sense of belonging and solidarity was not based on political considerations. Habitat, religion, language, kinship and similar associations helped identify an individual.¹ The political animal had not yet come into being. Not only was an individual's identity plural and flexible, but the relationship among collective groups also was very different. Unlike modern identities, where a clear and strong sense of 'we' and 'they' is the basic logic of any identity assertion, a dichotomy between the 'self' and 'other' did not exist. Traditional identities were not enumerated because they simply lacked the cognitive means to generate a global picture of the spaces in which social groups lived. As yet they did not know their strength in numbers, so they were not aware of the tremendous potential of their collective action to shape

political possibilities in their favour.² They were, thus, not political in nature—a condition of modernity.

How was political authority in pre-colonial India different? From the pre-classical Maurya and Gupta empires to the Mughal era, latter-day India comprised empires and several regional kingdoms which were really political mechanisms of loosely woven webs of suzerainty. By and large the flexible chains of political authority matched the fluidity of social boundaries.

MODERN IDENTITY AND THE STATE

How did modernity transform the concepts of identity and political authority? The British, with an entirely new cognitive apparatus of figures, maps and numbers, imparted a sense of territoriality to identities and introduced for the first time, the census. This materially changed the self-perception of communities. A non-traditional entity in the form of abstract identities based on convergence of interests was introduced.³ For example, people were indeed Hindus or Muslims before, but under the conditions of modernity, their perceptions of the collective self as the majority and minority community changed fundamentally. It forced individuals and communities to choose *one* aspect of their identity, in this case religion, over all others by prioritizing them in ascending order. The political scientist Don Miller points out:

By their education, legislation, administration, judicial codes and procedures and even by that apparently simple operation of objective classification, the census, the British unwittingly imposed dualistic either-or oppositions as natural normative order of thought. In a multitude of ways, Indians learned that one is either this or that; that one cannot be both or neither or indifferent. The significance of identity thus became a new paramount concern. . . . Orthodoxy of being was gradually replacing heterodoxy of beings.⁴

This made them self-conscious about their hitherto unrealized and untapped potential for collective action to achieve political objectives.

A third critical factor was the development of the vernacular language and 'print capitalism'⁵ introduced by colonial rule. Language was viewed as an instrument to transmit information and print technology, the 'written word', made it possible for people to imagine new bonds of affinities. It also provided the intelligentsia with the intellectual means to get their ideas across to the masses. The British introduced English for their administrative requirements, but its

institutional mechanisms, such as printing presses, publishing houses and newspapers, also facilitated the development of the local vernacular language, Hindustani—a mixture of Hindi and Urdu. This became an instrument of mobilization by the political leadership. The communications revolution along with the spread of education extended the reach and the potential of this medium.

To recapitulate, a modern identity is a political and historical construct based upon a convergence of interests, generated by individuals and communities, to pursue common political goals. A sense of territoriality, enumeration of communities and use of a vernacular language through the print medium are the hallmark of any modern identity.

Mass mobilization is vital for actualizing an identity's potential for collective action. A political movement requires large-scale sacrifices which ordinary people are unlikely to accept if they calculate their activities in purely rational terms of individual costs and benefits.⁶ The social memory of a shared tradition furnishes the ingredients for the psychological and social bonds of an identity. Cultural means are, thus, used to pursue what are essentially political interests. That is how an identity presents itself as a community with an immemorial past. Since it is an *imagined community* with no such objective past, its history must be constructed anew as a community that was lost and is to be regained. Symbols are the epitomization of the most cherished values of an identity, and arouse an emotionally powerful response from the masses. There are no standard criteria for selection of these symbols, though their efficacy in mobilizing the masses is a key determining factor. The definition of *we* invariably depends on who *they* are. The national aspect is important for understanding the shifting boundaries of some identities. For instance during Partition, the Sikhs in East Punjab emphasized their religious identity and sought a separate state for themselves. With the linguistic reorganization of India in 1956, they reformulated their demand for a Punjabi Suba (Punjabi-speaking state).

Colonial rule had not only produced an image of India as a geographic and demographic entity but also historically transformed the nature and form of political authority in a fundamental and irreversible manner. With the passage of time the British centralized the administration of the subcontinent and imposed political unity, thus creating a unitary, sovereign state. It ruptured the old, indigenous and creative mechanisms of compromise and collaboration between various identities and the political authority, 'creating a wide

unbridgeable gap between the integrative institutions of the colonial state and the complex mosaic of social and cultural diversities within Indian society'.⁷ The nationalist consciousness of the nineteenth century did not question or attempt to radically transform the colonial state. The dominant argument was that the British rule was alien and unrepresentative, and hence the demand for an independent state representing Indian nationalism. The logic of a modern state representing *one* nation, or of transferring the responsibility of managing social relations among individuals and collective identities from indigenous social regulatory mechanisms to the state, was not questioned. The political leadership of modern India perceived the state as the prime mover, the key repository of political power that would act as an agency of collectively intended social change.

STATE, IDENTITY AND VIOLENCE: THE RELATIONSHIP

The logic of the modern nation state allows recognition of only a single determinate, demographically numerable form of nation within its jurisdiction. In a society richly endowed with diverse identities, the state's identification with only *one* identity is inherently problematic because it denies political space to other identities. The working of electoral democracy makes it more complicated because it rests on the principle of majority rule. Majority rule tends to marginalize and alienate the minority identities. With the state being the primary repository of political power, the minorities have no alternative avenues for political expression. They are, therefore, forced to try creating political spaces where they constitute similar majorities. Without any fundamental transformation of the state structures, however, the process continues to provide the rationale for further fissuring of identities.

There are, no doubt, checks and balances in a democratic system that protect individual and group rights from the abuse of the majority. Federalism and decentralization of power are two such modern devices. In practice, even these can be overrun when the majority community is determined to use state institutions for its own ends. If the ethnic character of the political majority is identifiable with a single community and remains constantly fixed, the minorities may feel permanently disenfranchised within the political system.

The modern identity's strong and determinate sense of self inevitably leads to intolerance of those outside its boundaries. A dominant

identity seeking subjugation, assimilation or submergence of other identities, and self-assertion of a non-dominant identity seeking a share in state power controlled by the former, is inherently imbued with the risk of (and potential for) violence. For instance, the Hindu nationalists' belief that the only way of avoiding large-scale (Hindu-Muslim) violence is

... a change in the Muslim view of the community's role, traditions and institutions so that the Muslim can adapt—the word meaning anything from adjustment to assimilation—to the Hindu majority's national culture. ... [However] to ask the Muslims to recognize themselves in the Hindu nationalist history of India, to expect them to feel their culture confirmed in Hindu symbols, rituals and celebrations is asking them to *renounce their cultural identity* and to erase their collective memory so that they become indistinguishable from the Hindus.⁸

As long as neither side gives in, the in-built potential of violence endures.

When the state takes on a majoritarian or sectarian character, the relationship between the state and non-dominant identities turns violent. Much of this violence consists of the use of visible physical force. On the other hand, an identity may resort to violence when political and constitutional means to achieve its objectives are either exhausted or perceived to be ineffective. A judgement among the discriminated against or alienated segments that 'only violence pays' abets it further, as violence is perceived to be the only way of ensuring a hearing by the state.

Rationale of Violence

Tradition is politicized by consciously resurrecting the memories of past struggles and by juxtaposing historical narratives of subjugation and oppression with allusions to mythology and folklore eulogizing heroic conquests and victories against the enemy. The concept of *jihad* in Islam, *dharma yudha* in Hinduism and the martyrdom of gurus among the Sikhs are examples of religion legitimizing the use of violence.⁹ Individualism is the first value to disappear in any collective violent action, and there is a kind of group coherence and solidarity which is more intensely felt and proves to be a much stronger bond than all other relationships based on mere convergence of interests. The interest of one becomes the interest of all, for '... in concrete fact *everyone* will be discovered by the troops, *everyone* will be massacred—or *everyone* will be saved. The motto look

out for yourself . . . in this context is forbidden.¹⁰ A sense of belonging thus gets inculcated. The mindset changes from individualistic thinking to that of collective cause. Violence is also projected as a cleansing force. It restores the self-respect of alienated members who are no longer afraid to face even death, which otherwise indicates subjugation to injustice and exploitation. Because 'faced collectively and in action, death changes its countenance; now nothing seems more likely to intensify our vitality than its proximity.'¹¹ They actively seek martyrdom, as that would immortalize them.

The evolution and development of this discourse may be explained by 'weaving of individual biography into social text through the use of local knowledge'.¹² The local knowledge of police atrocities and excesses is used for transforming individual misery into misfortunes of the community. Examples of individual sufferings and their reiteration in the narratives of the community are important, because . . . they show how the state comes to be experienced in everyday life and how this experience is transformed in the making of a violent community. . . . Once the community becomes the conduit through which the *individual* experience of having been violated can be seen as the experience of the *whole* community, then the next step is to explain all violence committed by the community as a response to injustice.¹³

Abhorrent events, such as murder, etc., are described or justified by framing them within the community's fight for justice. Thus, a violent act committed by an individual is *not* in his/her individual capacity but on behalf of a community, for the purpose of collective good, and that is precisely why it is justifiable.

Violence by the state and identities mutually reinforces each other in an extraordinary reciprocal homogeneity. When the state unleashes its coercive power to suppress a political movement, an entire community bears the brunt of state violence. This not only strengthens the psychological bonds of a community but also vindicates its own use of violence against the state. Likewise, an identity's indiscriminate use of violence, particularly terrorism against the state as well as the general public, buttresses the government's rationale to suppress the movement by force.

Once violence comes into play, it fundamentally transforms the nature of an identity and the state as well as narrows the space for political accommodation between the two. It makes an identity more exclusive, which in turn makes the tone of its demands more strident and a political compromise becomes increasingly difficult. The state, on the other hand, loses political legitimacy by excessive reliance on

coercive means. When violence becomes a 'way of life as well as a means of both governance and redress against its excesses',¹⁴ the circle between state, identity and violence and its reproduction is complete.

THE INDIAN NATION STATE

The Indian nation, as we have seen, is a historical construct which was imagined into existence with the political objective of overthrowing colonial rule and creating an independent nation state. The voices of anti-colonialism in the early phase emanated from the traditional communities, the older, limited and fragmented identities such as the Bengali *jati*. So a new constellation had to be forged by breaking down natural boundaries of communities and devising new social and cultural bonds. Eventually, the Indian nation was born which was not culturally homogeneous. The older, un-reconstructed identities like the Rajputs, the Marathas, the Bengalis and the Sikhs had found a secure place within the new collective self. Although politically they identified with the Indian nation, they *coexisted* on the social plane.

Indian nationalism was not the only player in the political arena. There were at least three other versions of an imagined India: Mahatma Gandhi's *Ramrajya*; Golwalkar's Hindu nation; and Nehru's modern nation state. The fact that Indian nationalism won this battle of identities was largely due to various historical and political exigencies. Mahatma Gandhi's *Ramrajya*, rooted in the belief that society's *dharmically* ordered heterogeneity was prior to, and to a considerable degree autonomous of, state authority was not even backed by the Indian National Congress. Golwalkar's exclusionist Hindu nation was a monolithic unity epitomized by the centrality of the brahminical tradition.¹⁵ The particular notion of a Hindu nation being imagined and propagated was extremely narrow and rigid, incapable of extending its boundaries to include the large numbers of Muslims, Sikhs and Christians, or the vast submerged groups of lower-caste Hindus and *adivasis*, which was a historical necessity at that juncture and hence did not survive. Nehru's modernist nationalism finally won the day. He upheld the secular, pluralist idea of the Indian nation. But given the European model, the cultural unification of India was a prerequisite for building a modern nation state which did not fit the pluralities and diversity of Indian society. The result was a paradox. Nehru insisted that *conceptually* the

imagining of the Indian nation was an accomplished and irreversible fact that did not have to be constantly negotiated, presented and justified.¹⁶ *Materially*, however, it was in infancy, a nation-in-the-making which needed to be protected against contending identities. Accordingly, state formation processes were geared towards constructing a strong state, capable of defending a nascent nation.

The Indian State and Sub-national Identities

The Cabinet Mission had envisaged a federal structure with limited central subjects—defence, foreign affairs and communications—and the residuary powers vested in autonomous provinces. After Partition, a Union with a strong centre rather than a loose federation with a weak centre became the basic objective. Partition had undoubtedly driven deep into the Indian psyche the threat of dismemberment, but it was the future of the Indian State that determined the choice of a quasi-federal union.

The Congress leadership, since 1922, had been committed to reorganization of states on a linguistic basis. The Linguistic Provinces Commission, however, did not approve this. The nationalist leadership was afraid that 'it would bring into existence provinces with a sub-national bias at a time when nationalism is yet in its infancy and is not in a position to bear any strain'.¹⁷ Nehru admitted:

The work of sixty years of the Indian National Congress was standing before us, face to face with centuries-old India of narrow loyalties, petty jealousies and ignorant prejudices engaged in mortal conflict and we were *simply horrified to see how thin was the ice upon which we were skating*. Some of the ablest men in the country came before us and confidentially and emphatically stated that language in the country stood for and represented culture, race, history, individuality and finally a *sub-nation*.¹⁸

It beautifully reflects the paradox in Nehru's mind: the Indian National Congress, though having constructed the Indian nation over 60 momentous years, yet found it incomplete, uncertain, fragile and a nation which needed to be defended against contending sub-national identities. In creating a strong centre and rejecting the principle of linguistic states, the Constituent Assembly made an obvious attempt 'to bring about a willed merger with the agencies of the state taking on the role of protecting the nation'.¹⁹

A national language unifying the nation state was also necessary.

There was a tussle between Hindi and Urdu, and Hindi and non-Hindi languages. In 1925 the Indian National Congress had adopted Hindustani, acknowledging it as a composite of the Hindi and Urdu languages. However, the Constituent Assembly unanimously adopted Hindi as the official language. Against the historical background of the Hindi-Urdu dispute since the 1830s, 'the identification of the Hindi language with the Hindu people could hardly be regarded as accidental'.²⁰ The controversy on the official national language was more divisive. While most Indians spoke Hindi in the north, the non-Hindi speaking southern states vehemently opposed it. Finally, a compromise was reached and the Constituent Assembly agreed to the continuation of English as the official language for the next 15 years.

Nehru's concept of a secular State did not negate religion; it meant equal protection of all faiths. The State did not establish any official religion but reserved for itself the right to intervene in matters of religion in the interest of necessary social reforms. Nehru's reluctance to adopt a Uniform Civil Code and the debate on the Hindu Code Bill (1951), withdrawn under pressure and reintroduced as the Hindu Succession Bill (1955) and the Hindu Marriage Bill (1956), catering for and limited to the majority community, was a case in point. Further, describing the Scheduled Castes (SC) as a 'section of the Hindu community', including *Mazhabis*, *Ramdasias*, *Kabirpanthis* and *Sikhigar* Sikhs, conveyed that these communities would be eligible for safeguards only if they were willing to become a part of Hindu society.²¹

The safeguards for the minorities promised in the Objectives Resolution (December 1946) were diluted considerably lest they encourage divisiveness and undermine the integrity of the Indian nation state. The Constituent Assembly abolished separate electorates by promising reservation of seats for the minorities and Scheduled Castes in the Provincial Legislative Assemblies. They were also rejected by the Advisory Committee on Minorities. Sardar Patel asked people to forget that 'there is anything like a majority or a minority . . . there is only *one community*' (emphasis added), and Nehru spoke of the danger of minorities 'forgetting [their] inner sympathy and fellow feeling with the majority'.²² Sub-national identities were clearly viewed with suspicion by the constitution-makers, and a conscious attempt was made to subordinate their political claims to the Indian nation.

CONCLUSION

To recapitulate, the problem lies essentially in applying the logic of the modern nation state to a pluralistic society like India's. The state's identification only with the national identity that controls the levers of state power tends to alienate and marginalize the sub-national identities. These then try to create sovereign spaces as a means of articulating their respective identities and exercising political power. But without questioning the basic logic, they merely reproduce the hierarchical social and political conditions they seek to escape, and in its turn the state with all its instrumentalities provides the rationale for further fragmentation of identities.

NOTES

1. Sudipto Kaviraj, 'Crisis of the Nation-State in India', in *Contemporary Crisis of the Nation-State*, John Dunn (ed.), Oxford: Blackwell, 1995, p. 116. Partha Chatterjee makes this point by using the concept of *jati*. Partha Chatterjee, *The Nation and its Fragments: Colonial and Postcolonial Histories*, New Delhi: Oxford University Press, 1994, p. 222.
2. Sudipto Kaviraj, 'The Imaginary Institution of India', in *Subaltern Studies VII: Writings on South Asian History and Society*, Partha Chatterjee and Gyanendra Pandey (eds.), New Delhi: Oxford University Press, 1992, p. 26.
3. Ibid., pp. 20-1. This corresponds to Ferdinand Tönnies differentiation between the *gemeinschaften*, a community that fostered a feeling of intense solidarity and belonging not based upon a convergence of interest, which distinguished the *gesellschaften*. Kaviraj points out an interconnected set of dichotomies between modern and traditional social forms based on this theory: solidarity based on interests and on community, the unlimited possibility of extension of *gesellschaften* associations and the naturally limited contours of *gemeinschaften*, the contractual dissolubility of societies and the indissoluble primordial nature of community belonging.
4. Don Miller as cited in Sudhir Kakar, *The Colours of Violence*, New Delhi: Viking, 1995, p. 196.
5. Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, London: Verso Publishers, 1983, p. 133.
6. Olson shows that if the good for which a group is mounting collective action is indivisible, it is a rational strategy for each single individual *not* to work for that collective good because they would avoid punishments or costs, while, in the very nature of the case, they cannot be excluded from the benefits. Thus individuals can reason that they will not actively work for, say, a separate and independent state, but since they cannot be excluded from independence when

- it comes, they would enjoy its benefits anyway. Mancur Olson, *The Logic of Collective Action*, Boston: Harvard University Press, 1971.
7. Ayesha Jalal, *Democracy and Authoritarianism in South Asia: A Comparative and Historical Perspective*, New Delhi: Foundation Books, 1995, pp. 9-10.
 8. Kakar, op. cit., p. 251.
 9. Ibid., pp. 248-9. Kakar points out that violence is present in all religions as a positive and even necessary force for the realization of religious goals. In the Semitic religions, we have the Holy War of the Christians, the Just War of the Jews and the *jihad* of the Muslims where the believers are enjoined to settle and destroy evildoers. In other religions such as Hinduism and Buddhism, with their greater reputation for tolerance and non-violence, violence is elevated to the realm of the sacred, a part of the created order. In Hinduism, for instance, there is a cycle of violence and peacefulness as the *Kali Yug* is followed by the Golden Age (*Ramrajya*). Buddhist myths talk of 'Seven Days of the Sword' where men will look on and kill each other as beasts, after which peace will return and no life will be taken.
 10. Frantz Fanon, *The Wretched of the Earth*, Middlesex: Penguin Press, 1970, pp. 37, 73.
 11. Hannah Arendt, *On Violence*, New York: Allen Lane, The Penguin Press, 1970, p. 68.
 12. Veena Das, *Critical Events: An Anthropological Perspective on Contemporary India*, New Delhi: Oxford University Press, 1995, p. 134.
 13. Ibid., p. 131.
 14. Rajni Kothari, 'Fragments of Discourse: Towards Conceptualization', in *State and Nation in the Context of Social Change*, Vol. I, T.V. Sathiyamurthy (ed.), New Delhi: Oxford University Press, 1994, p. 53.
 15. M.S. Golwalkar, *We or Our Nationhood Defined*, Nagpur: Bharat Prakashan, 1947.
 16. Sudipto Kaviraj, 'On the Structure of Nationalist Discourse', in Sathiyamurthy, op. cit., p. 330.
 17. B.S. Rao cited in Gautam Navlakha, 'Invoking Union: Kashmir and Official Nationalism of Bharat', in *Region, Religion, Caste, Gender and Culture in Contemporary India*, Vol. 3, T.V. Sathiyamurthy (ed.), New Delhi: Oxford University Press, 1996, p. 81.
 18. Cited in Selig Harrison, 'The Challenge of Indian Nationalism', *Foreign Affairs*, July 1956, 34: 621.
 19. Navlakha in Sathiyamurthy, op. cit., p. 81.
 20. Ibid., p. 82. The protagonists of Hindi struck a compromise with the non-Hindi members of the Congress by means of an agreement to postpone the adoption of Hindi as the official language in return for their support for Hindi as against Hindustani.
 21. Ibid., p. 85.
 22. Ibid., p. 83.

CHAPTER 2

Genesis of Identities

The state of Jammu & Kashmir, as it came to be constituted under the Dogra rule, is located in the northernmost region of the Indian subcontinent, sharing borders with China, Tibet and Pakistan. Geographically, the state may be divided into the Jammu region, Kashmir Valley, Ladakh, Gilgit and Baltistan.¹ Its socio-cultural landscape embodies a complex mélange of people belonging to different racial stocks, professing diverse religious faiths and speaking a variety of languages. Aryans, Mongols, Tibetans and many tribal groups such as the pastoral Gujjars and Bakkarwals, Drasi and Dards in Gilgit, Purgis in Kargil and Brokpas in Baltistan have found a home here. Three important religions—Hinduism, Buddhism and Islam—coexisted in Kashmir and produced new philosophic traditions of Buddhism, Trika philosophy, and the Rishi Order expounding Sufi mysticism. Many languages, including Dogri, Gojri, Pahari, Punjabi, Hindi, Kashmiri, Urdu, Bodhi, Shina, Balti, Khowar, Burushaski, Wakhi and Domaaki are spoken in different regions.

This chapter gives the background to the Kashmir conflict by presenting a brief historical account of the people, their faiths and languages, and social and political lives.

IDENTITY IN ANCIENT KASHMIR

The pre-modern identity in the state was a purely social and apolitical phenomenon. The people of Kashmir Valley had been exposed to different religions. The advent of Buddhism followed on the heels of ritualistic and rigid Vedic brahminism which had institutionalized social discrimination. Buddhism demystified religion and made *nirvana* more easily attainable through personal effort. The *Sangha*—

the principal monastic order of Buddhism—through wider contacts between monks and the public created a powerful Buddhist laity.² In due course, decay set in among the Buddhist monks, who started enjoying worldly comforts, setting the stage for the restoration of a reformed Hindu tradition, Shaivism. Shaivism also centred upon 'laity as opposed to priesthood' and underlined the personal relationship between the individual and God, to be realized through devotion and mysticism without priestly mediation. Once again, in the fourteenth century, degeneration of Hindu religious practices led people to turn to the essential simplicity and humane piety of Sufi Islam, focusing on the devotional rather than the theological aspects of religion. Islam's social appeal lay in the fact that its message was spread by Rishi and Sufi preachers in vernacular Kashmiri and not in the scholarly Sanskrit language. Religious conversion was largely a mass phenomenon, a gradual and voluntary process. Starting with the lower social orders, people adopted the new faith not at the behest of their political rulers but because it revolutionized their social lives.

Notwithstanding the reformist movements in the three main religious traditions (Hinduism, Buddhism and Islam), religious persecution was not altogether absent. Kashmir had its fair share of religious zealots like Mihirkula, known as Trikoṭiḥa (Slayer of three crores, one crore being equal to 10 million); Sultan Sikander—the Butshikan (Destroyer of Idols); Sultan Ali Shah, Mirza Haider Dughlat, Yaqub Shah Chak, the Mughal Emperor Aurangzeb and most of the Afghan rulers. However, medieval history also offers several instances of local Muslims joining forces with Hindus to revolt against such tyrannical rulers,³ as, for instance, the rebellions by the local Kashmiri nobility against the domination of Sayyid Muslims in the fifteenth century. To Kashmiris, Muslims and Hindus alike, the Sayyids were 'foreigners'.

The plurality of a pre-modern identity figured on a horizontal plane, while each aspect of such an identity had a distinct social role to play and did not have to be prioritized. A person was not characterized as *first* a Hindu or a Muslim or a monk. Identity had different meanings in different situations. A Muslim king could celebrate Hindu festivals and visit Hindu shrines and a Brahmin could compose hymns and prayers for Hindu deities in the Persian language.

A pre-modern collective identity was also contextual. Buddhism in Kashmir Valley was influenced by the older Shaivite traditions,⁴ while in Ladakh it was prone to traditional Bonpa influences and later

dominated by Tibetan Lamaism.⁵ Similarly, Kashmiri Hinduism and Islam have distinct local characters, markedly different from Hindu practices and sharia Islam elsewhere in India.⁶ The caste system acquired a special character in each region. It was closest to its original form in the Jammu region, while in the north-west and tribal areas of Baltistan, it became watered down because of the tenacity and countervailing forces of tribal and clan loyalties and egalitarian philosophies of Buddhism and Islam.⁷ The Kashmiri Brahmins were also influenced by local practices. They would drink water given by a Muslim, eat the food cooked in a Muslim's boat, and even justified mutton-eating introduced by the pre-Aryan tribes—Pisacas. Despite the Buddhist emphasis on the laity, a diluted form of untouchability continued to be practised in Ladakh and Baltistan, such as the discrimination against blacksmiths, village drummers and carpenters belonging to the Beda, Mona and Gara communities.

The pre-modern identity was, however, not clearly demarcated. Religion, caste and endogamous groups were all based on principles that were not primarily territorial. A collective identity was not an immutable and closed system of belief. Even conversion to another faith did not succeed in obliterating old beliefs and traditions. Through this process, a unique and composite Kashmiri culture evolved. The Aryans had adopted the customs, rites and festivals of the aboriginal Nagas and worshipped their deities. So, there is a *nag*, a cobra, around the neck of Shiva, Vishnu reclines on Anant Nag, and Shesh Nag became the 'spring of life'.⁸ According to the *Rajatarangini*, the great serpents Nila Nag, Sankha Nag and Padma Nag guarded Kashmir. When Vedic brahminism gave way to Buddhism, the idea of *karma* and transmigration of souls was absorbed in its philosophy. The fusion of Buddhism and Shaivism later gave birth to the Trika philosophy that centred around *Parma Shiva*, the Supreme Being, but the Buddhist influence was reflected in its emphasis on a direct and personal relationship between the individual and God which could be realized and experienced only through yoga. It also accorded a place of honour to Buddha in the Hindu pantheon.⁹ By the time Islam came, Kashmir had assimilated the monotheism, mysticism, and devotional worship of Mahayana Buddhism and Shaivism. The Sufi tradition of Islam was profoundly similar to these earlier practices, and, further influenced by local beliefs, it evolved the philosophical tradition of religious humanism popularized by the Order of Rishis. Islam was, thus, accepted by the Kashmiris not as a negation but as a culmination of a proud spiritual

heritage. Often the cultural markers of a collective identity were shared by more than one community. For instance, a marble stone with the imprint of a large footprint, preserved at Asar-i-Sharif, Janab Sahib at Soura in Srinagar, is claimed by all three major religious traditions: by the Muslims as *Qadam-i-Rasul* (the footprint of the Prophet Muhammad), by Hindus as *Vishnu-pada* (the footprint of Lord Vishnu), and by the Buddhists as *Sakyamuni-pada* (Buddha's footprint).

Clearly, traditional religions, unlike the modern practice, were not closed systems of belief. An individual did not have to be *either* a Hindu *or* a Muslim *or* a Buddhist. Select tenets of more than one religious faith could be simultaneously followed. Muslims celebrated Hindu festivals such as Gana-Chakra, Caitra, Vyethtrawah and Sripanchami, while Hindus did not hesitate to pay homage at the shrines of Muslim *pirs* and rishis such as Makhdum Sahib, Baba Rishi, Shah Hamadan and Charar-i-Sharif. Likewise, a person could be Muslim and yet worship the personal relics of the Prophet,¹⁰ a Buddhist practice dating back to the first century.

RELATIONSHIP WITH POLITICAL AUTHORITY

In ancient Kashmir, an individual's loyalty was primarily to the tribe, clan or caste group, and his/her relationship with the political authority was limited to paying taxes. Political allegiance to territorial states was a tenuous affair under traditional conditions. Political rulers changed frequently and kingdoms and empires constantly collided and expanded at each other's expense, so that a group of people inhabiting a particular space could be part of different kingdoms in a short space of time.¹¹ The ease with which such political inclusion could be achieved also made such allegiance rather slight in contrast to modern practices. It was in that sense 'impossible to achieve the kind of firm identification between people and a form of politicized space which is presupposed in the political ontology of the modern nation-state'.¹² Within a kingdom the king, a divine power whose rule was legitimized by the spiritual sanction of religion, exercised political authority. The office of kingship was hereditary and people rendered loyal homage to the king-emperor—Ram, Ashoka or Akbar—who was the supreme authority.

The relationship between a collective identity and the state was structured within the framework of a layered sovereignty. Political authority and control tended to be dispersed and distributed between

various levels of authority: vassal states, regional kingdoms and empires, as distinct from a centralized political unity of the modern sovereign state. Even when Jammu & Kashmir was integrated as a single unit in the subcontinental Mauryan and Mughal empires, the regional kingdoms coexisted alongside the symbols of a central, all-Indian power. On one hand, it created a fluid and malleable political system with constantly changing political status and loyalties of kingdoms, and, on the other, the state or its upper layers had little direct interaction or control over the collective identities at the grass-roots level. This had two important implications.

First, while the state enjoyed great ceremonial eminence in fact it had limited powers to interfere with the internal organization of the social segments. The conceptual language of 'acting "on behalf" of the society as a whole was unavailable to this state'.¹³ Second, rulers patronized religious traditions other than their own. The Buddhist monarchs continued to patronize Hindu temples and celebrate Hindu festivals. Likewise, most of the Hindu Karkota rulers displayed religious tolerance towards Buddhism. The reign of Sultan Zain-ul-Abidin, famous as the Golden Age of Kashmir, was known for its active support of Hindu traditions in the Valley. The Sultan abolished *jiziya* and the cremation tax, banned cow slaughter and sent emissaries to persuade Hindu exiles to return. Similarly, Sanskrit remained the court language for nearly two centuries after the advent of Muslim rule. It lost its privileged position only because it had ceased to be the language of the common people, who preferred the vernacular Kashmiri.

MAKING OF JAMMU & KASHMIR STATE

The Jammu & Kashmir state as such simply did not exist. Each region had a separate and distinct past, often with no political affiliation with others for long periods in history. If at all, these links were forged at the social level through the common social and religious orders of Buddhism, Hinduism and Islam. Emperor Ashoka, the legendary founder of Srinagar city, had first made Kashmir Valley a part of the subcontinental Mauryan empire. The Kushan state, founded by the Huns, also brought Gilgit, Baltistan and Ladakh under its territory and linked Kashmir Valley to Tibet, western China and West and Central Asia.

Throughout medieval history, the Gilgit region, including the rulers of Gilgit, Nagar, Hunza, Punial, Yasin, Ghizr and Chitral along

with the tribal people of Gor, Chilas, Darel, Tangir, Harban and Kohistan (including Jalkot, Pattan and Kolai), and the Baltistan region embracing Skardu, Khaplu, Shigar, Rondu, Astor, Karatshe, Tolti, Kargil and Dras, were ruled by local chiefs and petty princes who had only tenuous links with Kashmir Valley. The hill states of Rajouri and Poonch, ruled by the Khasa tribes, and also Baltistan and Ladakh were not incorporated in the Mughal empire till as late as Aurangzeb's reign. Gilgit still remained independent, and with the decline of central Mughal power, Baltistan also regained its independent status. After Timur's invasion, it was Maharaja Ranjit Singh who brought Kashmir under the Sikh empire in 1819. He rewarded the Dogra Raja, Gulab Singh, by conferring upon him the title of *Jagir* for Jammu and the hill territories of Poonch, and gave the kingdoms of Mirpur and Bhimber to his brother, Dhyan Singh. The Lahore Durbar retained the pattern of suzerain-vassal patronage inherited from the Mughals.

Gulab Singh expanded his *Jagir* in 1834 by attacking Ladakh and making the Buddhist king his vassal. In 1840, he attacked Baltistan despite its technical status of being a vassal of Punjab. When British-Sikh differences arose alongside Sikh-Dogra tensions, Gulab Singh turned to the British and sought their support in maintaining his nominal independence by promising to remain neutral if the British attacked the Sikhs. The 1846 Treaty of Amritsar, which marked the eclipse of the Sikh empire, is known more for awarding Gulab Singh the territories of Kashmir, Ladakh (up to the Dras river), Gilgit and Chamba for the sum of 7,50,000 pounds sterling, in recognition of his services to the British Crown. He inherited feudal obligations from the adjacent hill territories (specially Poonch) and later launched a fresh series of wars against Gilgit and Hunza from 1850 onwards and against southern Sinkiang (Xinjiang) in 1864. Gulab Singh unified the regions of Jammu, Kashmir Valley, Ladakh, Gilgit and Baltistan and founded the Dogra state of Jammu & Kashmir (see Map 1).

Although Jammu & Kashmir state was not part of British territory, suzerainty was no longer a meaningful phenomenon. Its independence was, at best, nominal, as would become evident in the aftermath of the Muslim agitation in 1931 when the British quickly and forcefully intervened. In any case, our concern is not as much with changes in the formal political relationship between the state and the British, as with the evolution of colonial modernity that changed radically and irreversibly the people's way of conceiving their social and political worlds. The Dogra state of Jammu &

Kashmir was certainly not immune to such a fundamental and all-pervasive transformation. The logic of modernity pervaded the basic character of identity and state and restructured their relationship.

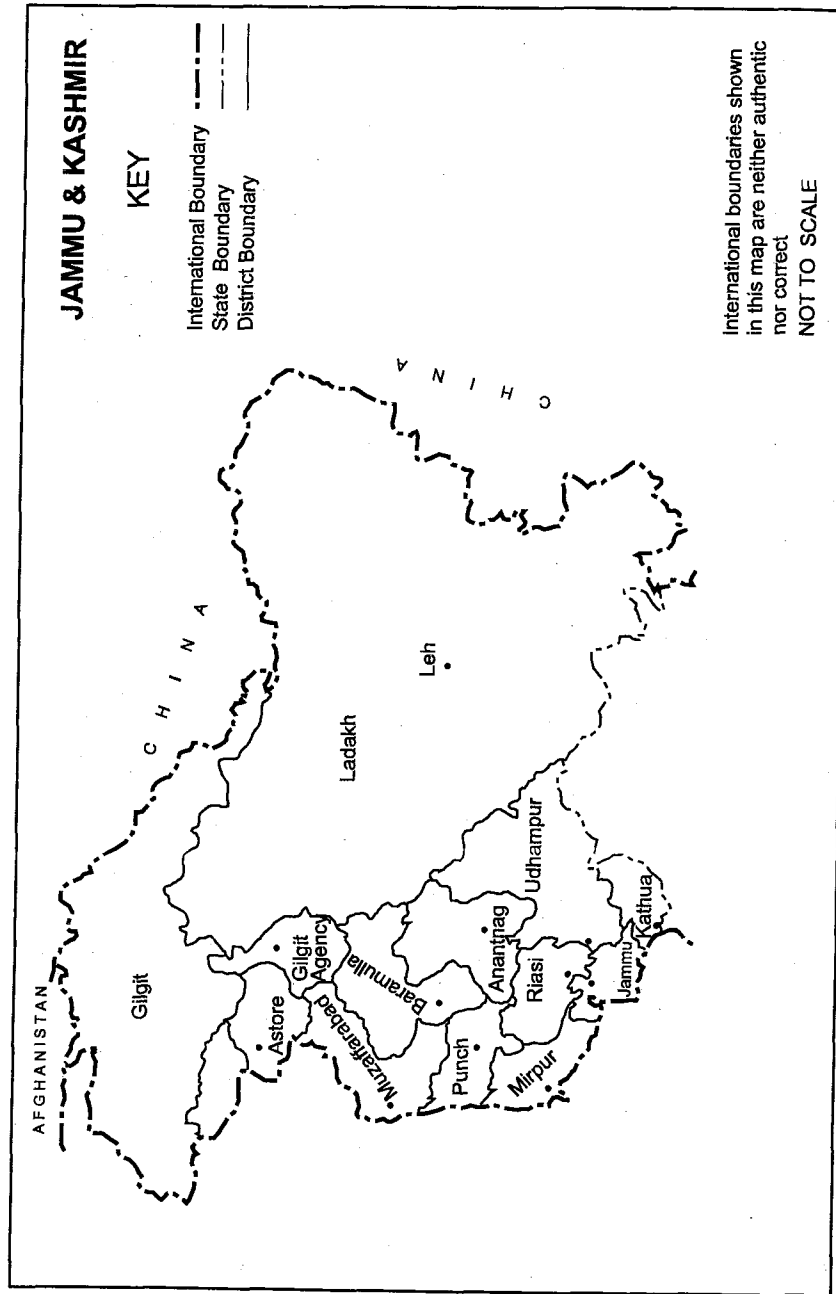
COLONIAL MODERNITY

Driven by the European Enlightenment, the colonial powers had brought in new principles of statecraft, a different productive system and economic relationships based on individual property rights, but, more significantly, they introduced hitherto unknown cognitive tools of maps and numbers. This imparted a sense of territoriality to collective identities and enumerated their social space. For example, Buddhism and Islam had spread to Kashmir Valley, Ladakh, Gilgit, Baltistan and beyond as early as the third and fourteenth centuries respectively, but neither the Buddhists nor the Muslims knew about their coreligionists elsewhere in the world. Some vague idea about them filtered in through pilgrims.¹⁴

Attention was drawn to their religion, language and demographic characteristics through the techniques that the colonial rulers employed for surveying, classifying and enumerating the population. In the past, Muslims had been ruled by Hindu kings and vice-versa, but with the fateful knowledge and power of their numbers, the Muslims in Kashmir Valley now viewed themselves as the 'majority community' being ruled by a 'minority community' of Dogra Hindus.

Colonial modernity sought to unify the diversity of the social world under the overarching categories of the census. Individuals who could argue endlessly about the Islamic propriety of offering prayers at shrines of Sufi saints and *mazars* of *pirs* and differentiate painstakingly between Sufi Islam and Sunni Islam, or whether a Buddhist belonged to the 'yellow hat' or 'red hat' of the Mahayana Buddhist tradition, debate indefinitely about the hierarchical status of the Bhanmasi and Malmasi Kashmiri Brahmin castes, were simply classified as Muslims, Buddhists and Hindus respectively.

Yet another important consequence of enumerating the social terrain was the either/or mode of thinking. An individual was either a Hindu or a Muslim or a Buddhist. This forced individuals and communities to order the plurality of their identity in an hierarchy. Since a collective identity could characterize itself as the majority community on a single or, at best, a combination of principles, it had to choose some aspects of its identity over others. This choice varied from time to time. For example, in the early 1930s, the majority



MAP 1 : DOGRA STATE OF JAMMU & KASHMIR

community in Kashmir Valley defined itself as 'Kashmiri Muslims' in an ethno-religious sense, and in the early 1940s, as 'Kashmiris' with a secular ethno-regional connotation. But the horizontal plane giving expression to the plural identity was lost irrevocably.

Colonial modernity had fundamentally changed the conceptualization of an identity in that it inculcated a strong sense of *self* versus *other* among individuals as well as communities. The early influences of modernity were witnessed in the development of several layers of such conceptions: Kashmiri Muslims versus Dogras, Kashmiri Muslims versus Kashmiri Pandits, and Dogra Muslims versus Dogra Hindus.

The power of numbers unleashed an inconceivable potential for collective action by social groups that could influence the political process. Examples of this potential were the shawl-weavers' and industrial labourers' agitations in 1847 and 1865 respectively at Srinagar to protest against low incomes, heavy taxation and corrupt practices by officials. The development of print capitalism opened infinite vistas for generating new abstract identities and mobilizing communities for collective political action. For instance, it was not until the Punjabi Muslim press had started taking a keen interest in Kashmir's affairs,¹⁵ that the Kashmiri Muslim leadership made serious headway in raising the collective voice of protest against the Dogra Maharaja.

Colonial modernity also historically transformed the nature of the state from the personalized rule of kings to an impersonal government based upon contractual rule of law and a common code of morality, run by a rational bureaucracy. It brought in

... the idea of state as an impersonal regime of relations, the idea of an individual subject, the equality of rights or rightlessness—in which the important thing was the constitution of the political-individual subject, rather than whether he enjoyed democracy or suffered subjection and finally a state which pretended to represent the collective interest of the society and from whose legitimate interference, nothing in society was morally immune.¹⁶

The colonial state's concept of sovereignty and the impersonal nature of public power had eliminated the intermediary layers of political authority, encroached upon the autonomy of social processes and appropriated the role of indigenous social regulatory mechanisms and organizations such as the caste system and the *Sangha*—societal definition in the Hindu and the monastic order Buddhist traditions, respectively. Since the state sought to represent

the collective interest of society and became the sole repository of social and political power, all social demands had to be routed through the state. Thus, a young Sheikh Abdullah had to petition the state authorities for financial support for studying in medical school. And when the protest by the silk factory workers against the oppressive attitude of the authorities in 1924 was suppressed forcibly by Maharaja Hari Singh, Kashmiri Muslims decided to petition the colonial Viceroy. Either way, the people had to approach the state, which began to be perceived as an agency of political power that could be harnessed to serve their interests. Therefore, *who* controlled state power increasingly became a matter of paramount concern, as people in the Valley, specially Muslims started asking questions.

Who rules over us? Why is injustice meted out only to the Muslims of Kashmir? If we constitute the *majority* and contribute the most towards the state's revenue, why are we continually oppressed? Is it because a majority of government servants are non-Muslims, or because most of the lower grade officers are Kashmiri Pandits?¹⁷ (emphasis added)

Such political consciousness would ultimately result in the construction of new political identities.

NOTES

1. Before 1947, Gilgit Agency included the autonomous states of Hunza and Nagar, the political districts of Ishkoman, Yasin, Puniyal and Koh-i-Shizar, the sub-division of Chilas and the tribal areas of Darel and Tangir. Baltistan consisted of the independent kingdoms of Rondu, Skardu, Shigar, Kiris, Khaplu, Tolti and Kharmonig. In 1947, Baltistan was made up of Skardu *tehsil* of original Ladakh district and 34 villages of Kargil *tehsil* (subdivision) and Gurais sub-*tehsil*. With the drawing of the Ceasefire Line in 1948, Kargil and Ladakh became part of Indian Jammu & Kashmir. In 1972, the Pakistan government merged all the older autonomous states and political districts into the three new districts of Gilgit, Baltistan and Diamar, having their headquarters at Gilgit, Skardu and Chilas respectively. See A.H. Dani (ed.), *History of Northern Areas of Pakistan*, Islamabad: National Institute of Historical and Cultural Research, 1991.
2. Vernon Hewitt, *Reclaiming the Past?*, London: Portland Books, 1995, pp. 29-30.
3. P.N.K. Bamzai, *Culture and Political History of Kashmir, Vol. II*, New Delhi: MD Publications, 1994, p. 546.
4. Shaivite beliefs in Kashmir Valley endowed Shiva, the Supreme Being, with an immanent aspect in which he pervades the universe, and a transcendental aspect in which he is beyond all universal manifestations. Mahayana Buddhism (inspired by Shaivism) also professed that an individual could attain the position of *Bodhisattva* (one who is capable of reaching *nirvana*) and become a spiritual or

- god-like power while Buddha himself became the Supreme Being, whose idols and personal relics could be worshipped.
5. Hewitt, op. cit., p. 31. The Buddhist prayer flags and the decorations inside Ladakhi monasteries often depict demons associated with earlier animist practices.
 6. Kashmiri Brahmins wrote their own *shastras* to guide them in the course of their lives. They held the Hindu religious shrines of India in esteem, but created their replicas in their native soil, like Gangotri at Gangabal and Haridwar at Shadipur. Among Kashmiri Muslims, the post-*namaz* (prayers) singing in chorus, *darood* or salutations to the Prophet Muhammad, great reverence of shrines and tombs of Sufis and saints and preservation and display of relics of saints are a purely Kashmiri phenomenon. These are links in one long historical chain. Kashmiri Muslims modified the rules of Islamic jurisprudence to suit their needs. Adoption, for example, is forbidden by Islam but is prevalent among the Kashmiri Muslims. The adopted son—*pisar-parwardha* or *mutbana*—enjoys the same rights and has the same obligations as a natural son. Similarly, the inheritance given to *dukhtar-i-khana nashin* (a daughter who does not leave her parental house even after marriage), directly contravenes the Islamic Law of Inheritance. According to local customs, however, such a daughter is entitled to an equal share in the parental inheritance. Riyaz Punjabi, 'Kashmiriyat: The Mystique of an Ethnicity', *India International Centre Quarterly*, Monsoon 1990, pp. 103, 111.
 7. Hewitt, op. cit., p. 28. It may be noted, however, that Kashmiri Muslims retained their old caste names like Bhat, Pandit, Raina, Rishi, Koul and Wani. Some scholars even divide the Kashmiri Muslims of the Sunni sect into three distinct castes. The Pirzadas were descendants of fakirs; the Baba Zadas were descendants of the Khalifas of Makhdum Sahib; and Wanis, the original Muslims of Srinagar city, were considered to be of purest descent. The shawl-weavers (*khandawar*), embroiderers and village zamindars were of a low status. Alongside these indigenous castes were immigrant Muslims like Sayyids, Mughals, Ashai, Bande, Bachh, Ganae and Kanth. Other castes were based on trade, occupation or habitat of the people. See P.N.K. Bamzai, *Socio-Economic History of Kashmir 1846-1925*, New Delhi: Metropolitan Press, 1987, p. 312.
 8. Punjabi, op. cit., p. 102.
 9. Vaisakhpoornima (full moon day in April-May) was duly celebrated with the worship of Buddha's images in *chaityas* and temples.
 10. In Kashmir, the Prophet's hair has been preserved at the Hazratbal shrine.
 11. Sudipto Kaviraj, 'Crisis of the Nation-State in India', in *Contemporary Crisis of the Nation-State*, John Dunn (ed.), Oxford: Blackwell, 1995, p. 116.
 12. Ibid.
 13. Sudipto Kaviraj, 'On State, Society and Discourse in India', in *Rethinking Third World Politics*, James Manor (ed.), London: Longman, 1991, p. 75. Kaviraj writes that the state's classical economic relations with these communities (over whom it formally presided), would be in terms of tax and rent. And while its rent demands would fluctuate according to its military needs and its ability to despoil, it could not (in its own interest or in the pretended interest of the whole society) restructure the productive or occupational organization of these social groups.
 14. See K.F. Knight, *Where Three Empires Meet*, Bombay: Longman Green and Co., 1903.
 15. The first article in a newspaper about the Muslims' plight in Jammu & Kashmir

- appeared in *Chowdwean Sadi* from Rawalpindi in its issue of 23 July 1885. Another weekly, entitled *Gulshan-i-Kashmir*, started by Taj-ud-din in 1901, became dedicated to the Kashmiris' cause. Munshi Mohammed Din Fauq started a Kashmir magazine in 1906 from Lahore. It was converted into a newspaper entitled *Kashmir*, and continued up to 1924. Other such papers included *Inqilab*, *Siyasat*, *Sunrise*, *Muslim Outlook*, *Farooq* and *Alfazel*, all from Punjab. Educated Kashmiri Muslims had started sending their articles to these newspapers. The Anglo-Indian press, and particularly Sir Albion Banerji's magazine *Indian Statesmen* published from London, also played a vital role in exposing the corrupt practices of the Dogra rulers.
16. Kaviraj in Manor, op. cit., p. 79.
 17. Sheikh Abdullah, *Flames of the Chinara*, Translated from Urdu by Khushwant Singh, New Delhi: Viking, 1993, pp. 12-13.

CHAPTER 3

Nationalist Fervour

This chapter examines how identities in the context of Jammu & Kashmir were generated through historical processes. And how they became politicized. The appropriation of regulating social relationships by the state forced social groups to seek other ways and means to control state power.

THE CATALYST

A strong regional bias against Kashmiris and religious discrimination against Muslims marked Dogra rule. Kashmiris were treated as a subject race. The peasantry suffered under the *jagirdari* system, a corrupt and oppressive state bureaucracy manned by Dogras and Punjabis, and practices of *begar* (forced labour). They had no proprietary rights of land though the Jammu Dogras enjoyed tenancy rights for land-ownership. Military service was reserved exclusively for Dogras, and Kashmiris were denied the right to possess arms. The exclusion of Muslims from state services, heavy taxation of the Muslim peasantry, and industrial workers, as well as monopolization of trade, business and indigenous banking by Punjabis and Dogras, had left them in a woeful and pitiable condition. The lack of modern education among Muslims deepened their distrust of Hindu Dogra rule.¹ Sir Albion Banerji, a senior minister in the Maharaja's government, first voiced this discontent in 1929 and described the Muslim population of Jammu & Kashmir state as 'dumb driven cattle'. Muslims were also subjected to religious discrimination. Their mosques, shrines and other sacred places were taken over by the government.² Further, a Muslim who converted to the Arya Samaj

was not deprived of his right to property and guardianship over his children but a Hindu who converted to Islam lost all such rights. Muslim Bakkarwals were branded a criminal tribe though Hindu Bakkarwals bore no such stigma.

The parochial policies of the Dogra rulers aroused Muslim political consciousness and awareness of their majority status. This impelled the early construction of identities along ethno-religious alignments: Dogras versus Kashmiris and Muslims versus Hindus. This does not mean other identities were not in the making; there were several, and the criteria mostly depended upon who were the perceived beneficiaries of state patronage.

The Kashmiris charged the Dogras with depriving them of their political, economic and religious rights. Kashmiri Muslims also blamed Kashmiri Pandits who occupied the lower and middle rungs of the state administration—*patwaris*, *kardars*, *shakdars*, *tehsildars*, *mohrirs* and clerks—leaving the predominantly Muslim peasantry and artisan class at the lowest rung of society.³ Kashmiri Pandits, in turn, were against Dogra Rajputs forming the bulk of the army, and Punjabis for having cornered the top posts in the state bureaucracy. Dogra Muslims viewed Dogra Rajputs as the privileged Hindus enjoying much better socio-economic conditions. In the tussle for state power, which identity would win would depend on a combination of historical and political exigencies. Some simply faded away by not mobilizing their members. Dogra Muslims were a case in point.

CONSTRUCTION OF KASHMIRI MUSLIM IDENTITY

Kashmiri Muslims were divided into several small groups, each with a limited political agenda. The Muslim silk factory workers demanded better working conditions and organized processions against the Maharaja in 1924, only to be suppressed by the cavalry regiment of the army. Some educated Muslim youth came together to form the Reading Room Party at Fatehkadal, Srinagar, to secure better educational facilities and more jobs in the state administration.⁴ The Muslim Young Men's League at Jammu comprising educated youth was engaged in underground activities to achieve economic and political independence of the state. Educated Kashmiri Pandits spearheaded a movement of 'Kashmir for Kashmiris'; demanding more jobs for *mulkis* (locals) as against outsiders, particularly Punjabis.

Several committees and commissions were appointed to address these demands, and ultimately a restrictive definition of a 'State Subject' was sanctioned in 1927.

While these early agitations were limited in their agenda and expanse, growing discontent against the Dogra Maharaja exploded in a massive Muslim agitation in 1931. Mass demonstrations turned violent and many persons were killed. These were declared the first martyrs in the Kashmiri struggle for freedom. Martyrs Day is always celebrated on 13 July in the Valley. This agitation proved to be a turning point in sharpening the external boundaries of the Kashmiri Muslim community vis-à-vis the Dogra Hindus and Kashmiri Pandits. Kashmiri Muslims and Pandits were divided in their loyalties. The Pandits supported the Maharaja, while the Muslims called it a 'religious war'. Kashmir Valley, known for centuries-old traditions of solidarity between the two communities, was divided as their political interests clashed, ending in the first communal riots. When Maharaja Hari Singh appointed the Glancy Commission to address Muslim grievances, Pandits opposed the move vehemently and launched the Roti agitation led by the Kashmiri Pandit Yuvak Sabha.⁵ Though the agitation was suppressed, the Pandits succeeded in warding off reservation of employment on a communal basis. The religious dimension of both group identities had clearly acquired a cutting edge. However, the Kashmiri Pandit movement soon lost its momentum and ceased to be an independent political force.

Support Base and Political Goals

Kashmiri Muslims were organized under the All-Jammu & Kashmir Muslim Conference founded in 1932 and enjoyed the support of the Muslim intelligentsia, the clergy, trading class, industrial labourers, artisans and peasantry. They demanded a bigger share in the civil services for educated Muslim youth, proprietorship of land and reduction in land revenue for the peasantry, better working conditions for industrial labour and recruitment of Muslims in the army. Religious demands included the return of mosques to the Muslim community and removing impediments in conversion of Hindus to Islam. Their growing political consciousness was reflected in demands for the right to freedom of speech and expression, freedom of press and platform, freedom to form associations and assembly, and most significantly, establishment of a democratic government with a responsible executive.

Mobilization Strategy

The critical task of mobilization lay in arousing the *majority consciousness* of Kashmiri Muslims. How was this accomplished? Cultural traits and traditions were politicized to mobilize people in pursuit of current political goals. Since the partisan policies of the Dogra Maharaja were attributed to 'religious prejudice',⁶ Kashmiri Muslims sought to present history in terms of Muslim suffering under the rule of outsiders—non-Kashmiri and Hindu kings. But, as argued in the preceding chapter, a specific, enumerated Kashmiri Muslim community simply did not exist in the past. The lack of an objective past was, therefore, resolved by creating one that provided an emotive rationale to the political movement.

Religious symbols were selected for mobilizing the Muslim community. An all-pervasive feeling of injustice among Muslims was articulated in religious terms: 'the *Muslim majority* being oppressed by a *minority community's Hindu Maharaja*'. The leaders appealed to the mass Muslim psyche and the clarion call of '*Nara Takbir, Allah-o-Akbar, Islam khatre mein*' epitomized the mobilization strategy. Slogans instigating the masses to rise against an oppressive Hindu Dogra Raj aroused their religious sentiments:

The Quran is put to sacrilege; is it justice?

The Khutba is stopped; is it justice?

The questioner and the cries are put in the Gujpath fort!

All are put to destruction; is it justice?⁷

And Sheikh Abdullah used mosques and Friday congregations for his political exhortations.

The Kashmiri Muslim leadership also sought Indian Muslim support and got a favourable response from Punjabi Muslims, the Ahrars and Ahmadiyas. Punjabi Muslims led by Dr Allama Iqbal formed a Kashmir Committee, which celebrated 14 August 1931 as Kashmir Day in different parts of the country.⁸ While Iqbal advocated constitutional means to seek redress of Muslims' grievances, the Ahrars, a militant organization, sent armed volunteers to help the movement in Kashmir. The Ahmadiyas provided finance and hoped to secure a large following for their mission. Many relief camps and committees were organized to collect funds for helping the victims and publicizing the plight of Kashmiri Muslims. The Punjabi Muslim press was extremely critical of the policies of the Dogra state.

When Maharaja Hari Singh used force to suppress the movement,

the Mirwaiz, Yusuf Shah, declared a *jihad* and asked Muslims to take up arms and participate in his congregations to defy the government ban on meetings. Thousands of Muslims armed with spears, axes, hammers, knives, swords and a few handguns arrived at Ziarat Dastgir Sahib at Khanyar, Srinagar. The Maharaja used this event to convince the British that an armed rebellion had broken out in Jammu & Kashmir and sought military help.

British Intervention

British intervention demonstrated that the princely states were mere instruments created by the colonial Raj and were subject to the imperatives of Paramountcy. Jammu & Kashmir was extraordinarily important in their strategy of safeguarding the empire against the Russian threat. The British promptly took command by appointing British officers to run the state administration and sent troops to restore law and order in the riot-torn districts of Mirpur and Poonch in Jammu province. They banned the entry of Ahrar volunteers and took stern action against Punjabi Muslims for supporting the Kashmiri agitation. This established a close identity between British colonial interests in India and the Dogra state.⁹ It shed new light on the exploitative nature of the state rooted in British colonial interests and not in the ethno-religious lineage of the Maharaja. Placed within the orbit of Paramountcy, the Dogras were left with hardly any initiative or power to concede any demands, Muslim or Hindu, for political emancipation. The realization that the liberation of Muslims in the state was inseparably linked with the operation of British Paramountcy acted as a catalyst for the making of a new ethno-secular group identity.¹⁰

CONSTRUCTION OF KASHMIRI IDENTITY

What were the compulsions behind the secularization of the political demands of Kashmiri Muslims? We now discuss these imperatives, the processes, the support base, political goals and mobilization strategy.

Imperatives

The Muslim Conference leadership realized that the Kashmiri Muslim community was too small and weak to take on the might of the new, larger and more powerful opponent—the British colonial

power. In the process of constructing a new identity, bigger and broader in horizon, its religious edge was tempered significantly, bringing a new secular and regional identity to the fore. The secularization of Kashmiri Muslim identity had thus become a historical necessity.

The formation of several local political organizations with a secular and nationalist outlook and socialist objectives promoted such thinking. Ghulam Mohammed Sadiq and Prem Nath Bazaz founded the Kashmir Youth League in 1936, pledging support to the unity of all people and a responsible government in Jammu & Kashmir. Some Hindu and Muslim leaders formed a committee of the Indian National Congress at Jammu, supporting India's liberation from British rule and constitutional reforms in Jammu & Kashmir.

The labour movement was another important development. Labour unions such as the Mazda Sabha, Kisan Sabha, Peasants Association, Students Federation, Government Sericulture and Silk Labour Union, Turpentine Labour Union, Telegraph Employees Union, along with other unions of carpet weavers and tonga drivers were formed. These organizations, with a labour force of 100,000 including Muslims, Hindus and Sikhs, staged massive demonstrations in Srinagar and Jammu. Such progressive movements had a significant impact on the secularization of Kashmiri politics in making the political leadership, specially Sheikh Abdullah, understand the conflict in a different light. Earlier, the prism of religion was used. Now, the problems of Kashmir were attributed to the exploitative nature of political and economic state structures.

Muslim support from outside the state had come unstuck. The Kashmir Committee was divided into many factions, with Ahrars pitted against Ahmadiyas and Punjabi Muslims against Ahmadiyas and Kashmiri Muslims. Mirwaiz Yusuf Shah sided against Sheikh Abdullah and the Ahmadiyas; Sheikh Abdullah opposed the Mirwaiz on one hand and Ahrars and Ahmadiyas on the other. Sectarian differences between Shias and Sunnis and between Sunnis and Wahabis were also coming to the fore.¹¹ Each party had entered the movement with its own axe to grind, and soon the contradictions came out in the open resulting in a growing chasm between the Kashmiri leadership and Punjabi Muslims. Their search for a new ally was met in the Indian National Congress spearheading the Indian freedom movement against British colonial rule. However, a secular and nationalist Congress leadership could not support a communally oriented political movement and constantly impressed upon the

Muslim leadership to forge a united and common front of all the people by converting the Muslim Conference into a national organization.

Process

The imperatives for constructing a new secular political formation were present, but the process was neither smooth nor uniform. Several Muslim Conference leaders and cadres, from the Jammu region in particular, continued to give primacy to their religious identity. A persistent and continuing tussle between the secular and religious identities of Kashmiris has since become a permanent hallmark of state politics in Jammu & Kashmir.

Soon after the institution of the Praja Sabha, the younger Muslim Conference leaders, including Sheikh Abdullah, Chowdhary Ghulam Abbas Khan, Maulana Sayeed Masoodi and Ghulam Mohammed Bakshi, advocated reorientation of the Muslim movement into a wider struggle against absolutism and oppression in the Maharaja's authoritarian regime. Hence, the demand for a responsible and representative government. The General Council of the Muslim Conference authorized Sheikh Abdullah in August 1936 to 'find a basis for a secular movement for political, social and economic reforms in which all the communities in the state would participate'.¹² Sheikh Abdullah, the chief architect, in his address at the Muslim Conference's annual session in March 1938 laid the foundations of a secular political formation by outlining its ideology, agenda, targeted membership, political goals and strategies.

We desire that we should be free to set our house in order and *no foreign or internal autocratic power should interfere in our national and human birthrights*. This very demand is known as Responsible Government. . . . The first condition to achieve Responsible Government is the participation of all those people. . . . They are not the Muslims alone nor the Hindus and the Sikhs alone, nor the untouchables and Buddhists alone, but all those who live in this state. . . . We do not demand Responsible Government for 80 lakh Muslims but all the 100% state subjects. . . . In my opinion, *for building the national edifice on sound lines, two things are necessary* which is a soul of democracy: first are political and economic issues. We must cease to think in terms of Muslims, Hindus and Sikhs and secondly, we must build a *common national front* by universal suffrage on the basis of joint electorate.¹³ (emphasis added)

Responsible Government Day was celebrated on 5 August 1938, and leaders of all the communities adopted a joint resolution

demanding political reforms and freedom. The current system of government was held solely responsible for economic and political backwardness and a responsible government was demanded by all the 'state-subjects', irrespective of religion and creed. It could be achieved only by initiating a secular and national movement in the state and a secular political organization was essential for such a movement. These principles were encapsulated in a Joint Declaration, popularly known as the National Demand, delineating the ideological underpinnings of a secular and nationwide movement for political reform and the social and economic emancipation of the people. It envisaged the institution of a responsible government, universal adult franchise and acceptance of minority safeguards. The manifesto also demanded the basic right to life, liberty and property, the right to freedom of faith, freedom of speech, freedom of the press, freedom of assembly and the right to legal remedies against arbitrary actions of the state for all 'state-subjects'.

A section of the Muslim Conference leadership had strong reservations about the move to secularize Kashmiri politics and vehemently resisted any attempts to convert the party into a national organization. These leaders were mainly Jammu-based, such as Chowdhary Ghulam Abbas Khan, Chowdhary Hamidullah and Mian Ahmed Yar. In Kashmir, Qureshi Mohammad Yousuf and Ghulam Nabi Gilkar led them. They argued that reorganizing the Muslim Conference would divide the Muslims, and the Hindus would not cooperate anyway because their interests were tied up with the Dogra government. Further, the Congress, being a 'Hindu organization', would never support Muslim subjects in a Hindu state. Chowdhary Abbas openly repudiated the principle of national unity, and emphasized that Hindus and Muslims were two nations and Islam did not admit their integration into a social and political unity. They subsequently agreed to the reorganization of the Muslim Conference, provided the *Muslim* agenda remained secure within the fold of the proposed National Conference; that it would retain separate electorates and continue to struggle for specific Muslim grievances in political, economic and administrative matters. They also secured a promise that the National Conference would not identify with the Congress ideology and side against the Muslim League, the national political organization of Indian Muslims.

At a special session, the Muslim Conference was converted into the All-Jammu & Kashmir National Conference in June 1939. However, some Muslim Conference leaders and cadres broke away, declaring the decision illegal, null and void. Local units of the Muslim

Conference in Poonch, Mirpur and Kotli also repudiated this decision and decided to unite all Muslim leaders, including those of the Azad Muslim Conference led by Mirwaiz Yusuf Shah, and establish a local unit of the Muslim League in Srinagar.

Support Base

The ethno-secular identity of Kashmiris included all 'state-subjects' of Jammu & Kashmir irrespective of caste, creed and belief and from every region in the state. In class terms, it attracted the weaker sections of society such as peasants, artisans, industrial workers and unemployed educated youth, along with many progressive intellectuals. The National Conference sought to expand its base through its political programme—Naya Kashmir (New Kashmir). The Bill of Rights stipulating 'equality of the rights of all citizens irrespective of nationality, religion, race or birth in all spheres of national life' reached out to all classes of people in the state.¹⁴ By incorporating a Peasants Charter advocating transfer of all agricultural land to actual tillers of the soil, a Workers Charter ensuring basic rights and better working conditions, and a Charter of Women's Rights in the political, economic, social, legal, educational and cultural spheres, a concerted effort was made to enlist the support of large sections of society.

In an exercise at coalition building, Kashmiri group identity had joined forces with Indian nationalism against the common opponent—British colonial rule. Sheikh Abdullah was fully conscious that 'the struggle in Indian States is not as much against the Princes as against the Political Department of the Government of India and against British imperialism',¹⁵ and that Kashmiris alone simply could not stand up to the colonial power and hegemony. The National Conference coordinated closely with the Indian National Congress and similar popular political movements elsewhere in the country under the rubric of the All-India States Peoples Congress. Within the state, the Kashmiri Pandit Yuvak Sabha, the Congress committees in Jammu & Kashmir provinces and the Hindu Progressive Party supported it.

Political Goals

How did Kashmiris redefine the political goals? From communally oriented demands for Muslim welfare, the National Conference sought wider political and economic reforms. For analytical purposes,

one may categorize the evolution of its political agenda in three stages. The first was on the basic political rights of the people and a responsible and representative government as proclaimed in the National Demand in 1938. The second stage was to propound a vision of restructuring the political and economic systems of Jammu & Kashmir state in the Naya Kashmir manifesto in 1944. Finally, in 1945, their demand was for the Kashmiris' right of self-determination and a sovereign status.

Naya Kashmir was the blueprint of the political philosophy of the National Conference, and presented the agenda of how it would exercise state power. A scheme of constitutional reforms based on the democratic elective principle from local *panchayats* to the national assembly along with a responsible and responsive executive was envisaged. It advocated universal adult franchise with weightage for the minorities—Kashmiri Pandits, Sikhs and Harijans—during the transitional period. The national economic plan envisaged planned development with safeguards against exploitation, ensuring that economic power would not be centralized in any section of society. At the national level, the National Conference supported the Congress goal of preserving Indian unity and of liberation from colonial rule.

The more the National Conference stressed secular political goals and identified itself with the Indian National Congress, the greater were the differences that arose between the secular political leadership and those aligning themselves with the Muslim identity. Muslim leaders like Chowdhary Ghulam Abbas claimed publicly that Hindus and Sikhs had been allowed to join the National Conference only to neutralize their resistance to the Muslim demands. They made no bones about their preference for the Muslim League rather than the Congress at the national level.¹⁶ The two factions continued to be at cross-purposes till the National Conference split on the question of the Pakistan Resolution in 1940. Muslim leaders in Poonch, Mirpur and Muzaffarabad districts acclaimed the resolution and pledged support for a separate homeland for Indian Muslims, and formally broke away from the National Conference in 1941.

The National Conference, on the other hand, demanded the Kashmiris' right to self-determination. Based on their response to the Cripps Mission to India in 1942, the National Conference along with the All-India States Congress held that popular political leaders and organizations and not princes had the right to represent the people of the Indian states. Subsequently, the failure of dyarchy, a power-sharing scheme introduced by Maharaja Hari Singh in 1944,

and the Quit India Movement launched by the Congress, provided an impetus to the demand for self-determination. When the Cabinet Mission vested the state's right to join an independent India's Constituent Assembly in the princes, the National Conference revolted and launched the Quit Kashmir Movement, seeking an end to the Dogra rule.

Sheikh Abdullah realized that such an eventuality would not only lead to the fragmentation of India but also perpetuation of the Dogra Maharaja's despotism and subjugation of Kashmiris. The path of constitutional reforms was, therefore, abandoned to demand repudiation of the Treaty of Amritsar, dissolution of Paramountcy and liquidation of Dogra rule. Sheikh Abdullah articulated the meaning of the right to self-determination as:

... the fundamental right of all men and women to live and act as free beings, to make laws and fashion their political, social and economic fabric, so that they may advance the cause of human freedom and progress. ... [This is] inherent and cannot be denied though [it] may be suppressed for a while. I hold that sovereignty resides in the people; all relationships—political, social and economic—derive their authority from the collective will of the people. ... Quit Kashmir is not a question of revolt. It is a matter of right. ... We, the people of Kashmir are determined to mould our own destiny. ...¹⁷

He described the princely system as an outer flank of British colonialism, and the Quit Kashmir movement as a logical extension of the Indian struggle for freedom. The annual session of the National Conference in 1945 adopted a wider resolution, recognizing the essential unity of India and demanded India's independence and the right of self-determination for cultural nationalities in India.

Mobilization Strategy

How did the National Conference mobilize the people? A historical theme of Kashmiri versus non-Kashmiri was resurrected. The past sufferings of the Kashmiris were attributed to foreign rule, rousing the people to sacrifice for securing self-rule. Cultural similarities between Kashmiri Muslims and Pandits were brought into play. Significantly, however, the Kashmiri leadership did not abandon earlier practices of mobilizing supporters through religious symbols. All important policy statements were first announced at the Hazratbal shrine, the political centre of Sheikh Abdullah's

activities. He used extraordinary oratory to sway the masses by singing verses from the Koran. If the purpose was to arouse Muslim religious sentiments, the strategy was effective in mobilizing them to work and sacrifice for the political movement, but he was castigated by the Hindu leaders of the National Conference for precisely these reasons. They argued that Abdullah's reliance on *Muslim* instruments and his language of *jihad* not only compromised the secular credentials of the National Conference, but also created doubts among the non-Muslim population about the party's hidden objectives.

Kashmiris had waged a struggle against the Dogra state through largely political and constitutional means. The National Conference mobilized supporters through a campaign of public meetings, demonstrations, strikes and processions and extensive and effective use of the mass media to propagate its ideology and political agenda. Sheikh Abdullah and P.N. Bazaz's launch of *Hamdard* and other papers such as *Ranbir* run by Mulk Raj Saraf, a weekly paper, *Sach* by Raja Mohammed Akbar Khan of Mirpur, *Kashmir Sansar* edited by Balraj Puri, and *Watan* by S. Mahinder Singh played a critical role in mobilizing popular support for the National Conference. Moreover, the National Conference's press published *Haqiqat* and *Sadakat* at Mujahid Manzil, the headquarters in Srinagar.

The National Conference leadership responded positively to the Maharaja's overtures to call off the agitation in return for constitutional reforms in 1942. But Abdullah's warning that 'if these methods fail to bring the party nearer to its goal, then we should be ready to embark on a course of active struggle and make sacrifices',¹⁸ came true in 1945. Disillusionment with dyarchy led to the Quit Kashmir movement, and when Maharaja Hari Singh decided to crush the movement by force, the National Conference cadres resorted to demonstrations. The state's military might was defied through prolonged hartals and strikes in factories and clashes with the police and army. Demonstrators turned violent and damaged bridges and attacked police stations. Mass arrests, shootings and crawling orders became the order of the day. Sheikh Abdullah, Maulana Masoodi and Sardar Budh Singh were arrested and tried for sedition and revolt against the Dogra state.

Some National Conference leaders, led by Mohin-ud-Din Qara, formed an underground cell called the War Council. The Council announced a plan of 'protracted resistance against the oppression

of the Government which included defiance of prohibitory orders and civil disobedience by the Conference volunteers called the Dictators'.¹⁹ The 'Dictators' courted arrest and organized picketing of offices, street corner meetings, snap demonstrations and publication and pasting of posters in cities and towns. Besides, a number of small underground units had sprung up all over Kashmir Valley. Many Muslim officers from the police, in particular, were in contact with these units and passed on valuable information about government plans and activities. One such unit organized by the Communists, disguised as Red Cross workers, mobilized the people to drive away army and police pickets from their *mohallas* (localities). Student leaders quickly established a network of organizations with links right up to the palace. Some arms were secured but the idea of an armed encounter was not pursued seriously.

Outside the state, Jawaharlal Nehru supported the Quit Kashmir movement and called upon regional councils, *praja mandals*, *lok parishads*, state Congress committees and other people's organizations in the states to hold meetings and demonstrations to express solidarity with the Kashmiris. He asked these organizations to raise funds and organize volunteers to march to Kashmir and join the people's struggle there. Nehru also decided to personally defend Sheikh Abdullah in his sedition and treason trial against the Dogra state. Sheikh Abdullah's arrest en route to Kashmir led to widespread protests and demonstrations throughout India, and the national press strongly criticized the attitude of Maharaja Hari Singh's government. However, the Quit Kashmir movement petered out, partly owing to the National Conference's lack of organizational and tactical preparation, and partly because the government pulled out all the stops to crush the movement and took stringent military measures to quell the disturbances. The National Conference was not the only player in the political arena, it faced competition from the Muslim Conference.

RECONSTRUCTION OF THE MUSLIM IDENTITY

After splitting from the National Conference in 1941, Muslim leaders such as Chowdhary Abbas, Chowdhary Hamidullah, Allah Rakha Sagar and Abdul Majid Qureshi from Jammu, and Maulvi Yusuf Shah, Qureshi Mohammad Yousuf, Mohi-ud-Din Rahabar and Abdul Salam Dalal from Kashmir agreed to revive the Jammu

& Kashmir Muslim Conference. The Muslim group identity characterized itself as the Muslim segments of Jammu & Kashmir society challenging the Hindu Dogra Maharaja. Their political goal was to create a Muslim state in Jammu & Kashmir based on Islamic laws and scriptures. At the national level, they identified with the Indian Muslims seeking a separate and independent Muslim homeland. The Muslim Conference drew members mainly from the middle and upper Muslim classes. Territorially, its support base in Kashmir Valley was very limited. Chowdhary Ghulam Abbas enjoyed considerable Muslim support in the Jammu, Poonch, Rajouri, Mirpur and Bhaderwah areas. The Muslim Socialist Party extended support to the Muslim Conference. Outside the state, the Muslim Conference aligned itself closely with the Muslim League and joined the All-India States People's Muslim League, coordinating Muslim movements in Indian states.

The political demands of the Muslim Conference included reservation in the civil services for Muslims in proportion to their population, restitution of property rights in land, abolition of the *jagirdari* system and of laws prohibiting cow slaughter, withdrawal of the Devanagari script from government schools, amendment of the Hindu Personal Law of inheritance and abrogation of the Arms Act of 1940. They demanded transfer of political power to the majority community's political leadership—the Muslim Conference—because Muslims in Jammu & Kashmir would not accept minority Hindu rule.²⁰ *Azad Kashmir* (Free Kashmir), the political manifesto issued in 1945, committed the Muslims of Jammu & Kashmir to the Muslim League's struggle for a separate homeland and reiterated faith in 'one leader who is Qaid-e-Azam Mohammad Ali Jinnah, one organization which is the Muslim League and one objective, the realization of Pakistan'.²¹ Under the Cabinet Mission Plan they demanded reservation of seats in the Constituent Assembly for representing Indian states on the basis of their population.

The mobilization strategy had not undergone any radical change since the early 1930s, except a renewed fervour for using the communal card and arousing the anti-Hindu sentiments of Muslims.²² The Muslim Conference condemned the Quit Kashmir movement and charged the National Conference with dividing Muslims in collusion with the Congress in order to perpetuate Hindu hegemony in the state. Later, it launched an individual civil disobedience movement in Jammu & Kashmir in response to the Muslim League's appeal for direct

action. With most of the Muslim Conference leaders behind bars, Chowdhary Hamidullah was appointed as acting chairman. Soon, however, differences developed between him and Mirwaiz Yousuf Shah sabotaging the movement. Subsequently, each threatened to expel the other from the party, and did. While Chowdhary Abbas was sending frantic messages from prison to resume the civil disobedience movement, Hamidullah convinced Mohammad Ali Jinnah otherwise—to advise Muslims in Jammu & Kashmir to abandon the agitation. As a result, the Direct Action resolution of the Muslim Conference was repudiated, and the civil disobedience movement was disowned. Mirwaiz Yusuf Shah's expulsion split the party and Jinnah's statement dealt a severe blow to whatever little prestige and influence the Muslim Conference had enjoyed in the Valley.

SHIFTING BOUNDARIES

The contending Kashmiri and Muslim political formations were not monolithic in nature, and other alignments were constantly at play within the fold of each group identity, which we will delve into now.

Ideological Divergences

Despite a formal split between the National Conference and the Muslim Conference, ideological differences within the National Conference along Muslim and Hindu lines persisted. Often these resulted from the divide-and-rule policies of the Maharaja's government, as evident from the Special State Ordinance introducing two scripts, Devanagari and Persian, in government schools and the Jammu & Kashmir Arms Act (1940) prohibiting possession of fire-arms by all communities except Dogra Rajputs.²³ Muslim leaders of the National Conference opposed the government's policy of introducing two scripts as that would work against educated Muslim youth not conversant with Devanagari, and alleged that the Arms Act sought to arm Hindu Rajputs while divesting Muslims of their right to possess arms. However, Hindu leaders, including P.N. Bazaz, Kashyap Bandhu, Jia Lal Kilam and Girdhari Lal Anand, accused the former of taking a communal stand and supported the introduction of Devanagari and regulation of arms in the state. Chowdhary Hamidullah's proposed legislation in the Praja Sabha, mooted retrenchment of Hindus and reservations for Muslims in the

state, pitted the National Conference Muslim leaders against their Hindu colleagues. The former demanded employment in proportion to the population of communities, a stand strongly condemned by the Hindu leaders.

The secret negotiations of the Muslim leaders of the National Conference, Sheikh Abdullah, Maulana Masoodi, Bakshi Ghulam Mohammad and Ghulam Mohammad Sadiq with Jinnah, and with the Muslim Conference leaders in October 1943, also divided the party as the non-Muslim leaders, including the party president Sardar Budh Singh, were kept in the dark. Sheikh Abdullah defended them as a matter of strategy, in that resolving their differences with the Muslim Conference would strengthen the hands of the National Conference.²⁴ However, this might well have been an attempt to merge the two organizations. K.D. Sethi disclosed that Mohin-ud-Din Qara, acting General Secretary of the National Conference, at the behest of Sheikh Abdullah, had written a letter to the Muslim members of the working committee proposing reorganization of the National Conference back into the Muslim Conference on the grounds that the earlier move had divided the Muslim ranks and Hindus were not joining the organization in any significant number.²⁵

Probably sensing this danger, the Hindu and Sikh leaders expressed misgivings about the Muslim League's stand on communal separatism. Their fears came true during Jinnah's visit to Kashmir, when he harped on the need for *unity of Kashmiri Muslims alone* and expressed the solidarity of Indian Muslims with their cause. Jinnah said:

As a Muslim I must say what I feel is the right way for the Muslims. So far as I have been able to understand the viewpoint of the leaders of the National Conference, I do not think they can succeed. . . . With one objective in view, you should establish one platform and one organization and rally round one banner. . . . 99 per cent of the Muslims who met me are of the opinion that the Muslim Conference alone is the representative organization of the State Muslims.²⁶

Jinnah's speech divided the rank and file of the National Conference deeply. His insistence on Sheikh Abdullah accepting Chowdhary Ghulam Abbas's leadership, uniting under the banner of the Muslim Conference and supporting the Muslim League finally convinced Abdullah to abandon talks with the Muslim League.

While these issues laid bare ideological differences between Muslim and non-Muslim leaders, even the Muslim faction within

the National Conference was not monolithic. While Muslim conservatives made no secret of their antipathy towards the Congress ideology and publicly promoted the Muslim cause in Kashmiri society, Muslim radicals were committed to the Congress ideals and unequivocally rejected any pleas for Muslim precedence in the political and economic structures of the state. Oscillating between these two extremes were the Muslim nationalists. Despite such serious ideological differences, the party did not split any further primarily because the Hindu and Sikh leaders realized that it provided the best political platform; a better strategy was to exercise their moderating influence and strengthen progressive Muslim forces promoting the secular political cause within the party rather than to quit and risk being reduced to an inconsequential minority in Kashmiri politics.

Regional Alignments

Regional political alignments cutting across the boundaries of Kashmiri and Muslim affiliations and territorially dividing Kashmir Valley from the Jammu region were beginning to emerge in the early 1940s. This tendency came to the fore in the division of the National Conference political leaders' mass base between Jammu region and Kashmir Valley. While Sheikh Abdullah reigned supreme in the Valley, Chowdhary Ghulam Abbas matched his popularity in the Jammu region. They clashed. Their attempts to assert their supremacy within the party organization ended in splitting the ranks along regional lines. The Sheikh's distrust of the Jammu Muslim leadership in organizational matters of the party is also cited as a critical factor in precipitating the break-up of the National Conference. Similarly, serious differences between Chowdhary Ghulam Abbas and Chowdhary Hamidullah as well as Mirwaiz Yusuf Shah became the most important reason for fragmentation of the Muslim Conference.²⁷ On the other hand, the Hindu Dogras of Jammu supported the Maharaja through and through.

Linguistic and religious differences between Kashmir Valley and the Jammu region were being highlighted. Muslims in the Jammu region were mostly Punjabi-speaking and felt closer to Punjabi Muslims than the Kashmiri-speaking Muslims of the Valley. But the Kashmiri leadership led by Sheikh Abdullah had severed its links with the Punjabi Muslims in the aftermath of the 1931 agitation.

Moreover, Kashmiri Islam was different, in being an eclectic Sufi Islam, whereas in Jammu and Poonch, the people were traditional Sunnis.

Cultural Nationality

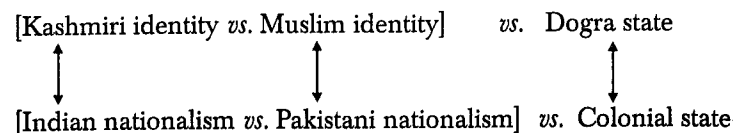
Sheikh Abdullah was beginning to recognize the import of the regional faultline in Kashmiri politics. It may be argued that he had read Ghulam Abbas' challenge to his political leadership within the National Conference as an alternative way of conceiving a political majority. He was undoubtedly a secular leader, but politically Kashmiri Muslims remained his primary constituency throughout, and in the game of numbers the strength of Jammu Muslims came close to that of Kashmiri Muslims. This is reflected in the shift in Sheikh Abdullah's formulation of the people's right of self-determination in Indian states on the basis of a *cultural nationality*. He sought recognition of the *cultural*, sociological and psychological identity of people in the Indian states and the right to frame the Union of India's Constitution for *autonomous social, cultural and political identities*. In Kashmir, he explained, the National Conference had accepted the principle of self-determination not only in respect of creed, but also within the framework of *culture*.

The early construction of Kashmiri identity was built around its *secular* character including all communities—Muslim, Hindu and Sikh—and a wider *regional* dimension incorporating *all state-subjects* in Jammu & Kashmir. With the gradual loss of support of the Jammu Muslims, Sheikh Abdullah started articulating Kashmiri identity in a *cultural* sense, emphasizing the unique and distinct nature of *Kashmiriyat* which distinguished Kashmiris from people in other regions of the state.

THE GRAND CHESSBOARD

In the political battle of identities, the outcome depended on the interplay of various historical forces on the grand chessboard of undivided India. As argued earlier, in fighting the Dogra state, the Kashmiri and Muslim group identities had aligned themselves with the larger secular Indian and Pakistani nationalist forces respectively, which in turn were struggling against British colonialism. This, along with the dependency of the Dogra state on British colonial rule, had

linked together the fate of all four identities. The relationships and linkages between these players, were as follows.



Momentous political developments at this historical juncture played a critical role in shaping their political destiny and relationship with the state. The process was set in motion by Britain's decision to partition India and transfer power to two Dominions—India and Pakistan—and, more significantly, the lapse of Paramountcy which effectively left the rulers of the Indian states free to decide their political futures.

It is not my task to narrate the history of the lapse of Paramountcy, the invasion of Jammu & Kashmir by Pakistan, the resulting stalemate, the reference to the United Nations and the issue of plebiscite. These are well-documented elsewhere. However, the dynamics of political developments in Jammu & Kashmir from 1946 to 1948 bear brief examination because these were critical in deciding the political future of group identities as well as that of Jammu & Kashmir state.

Key Players in Jammu & Kashmir

The ultimate objective of both contending identities was to acquire state power, but they differed in their strategies. The National Conference spearheaded a popular Quit Kashmir movement against the Maharaja, and demanded that the people, not the princes, represent Indian states in independent India's Constituent Assembly. The Congress' acceptance of Partition, however, shattered the goal of a united India and they decided to postpone the issue of accession till the reins of power were transferred from the Dogra rulers to the people. 'Freedom before Accession' became their motto.²⁸ Sheikh Abdullah's personal choice was not clear. He opposed Pakistan because he did not believe in the two-nation theory, yet, at the same time, did not want to accede to India because he felt that 'Pakistan would never accept our choice, and we would become a battleground for the two nations.'²⁹ He was conscious of the third option of an independent Kashmir, but realized that 'to keep a small

state independent while it was surrounded by big powers was impossible'.³⁰

The Muslim Conference, on the other hand, had not only condemned the Quit Kashmir movement and helped the Dogra government in quelling that agitation, but also suspended the individual civil disobedience movement launched by Chowdhary Ghulam Abbas. The strategy was to rely more on cooperation with the Maharaja, and they encouraged him to declare independence. The Muslim Conference's political calculation was that in a Muslim-majority state, the Maharaja would be forced to hand over (or at least share) state power with the Muslims.

Faced with a decision to accede to India or to Pakistan Maharaja Hari Singh was caught between the devil and the deep sea because he would lose either way. Geographical, economic and socio-cultural factors linked the state integrally to both India and Pakistan making the choice difficult,³¹ but his political stakes were more important. Accession to India would amount to virtual abdication and surrender to his political opponents—the National Conference and the Congress—who had been fighting his regime all along, while joining Pakistan would put his own Dogra Hindu community in jeopardy. Consequently, the Maharaja preferred an independent Kashmir primarily in order to maintain his political control and authority over the state. He disregarded the Congress advice and Mountbatten's cautious warning that independence was not a feasible option, and failed to recognize the state's vulnerabilities in the face of political and military coercion from either Dominion. He sought Standstill Agreements with both India and Pakistan. Pakistan signed. India did not.

Key Players in Undivided India

Though the dynamics of regional developments within Jammu & Kashmir were very important, the real political battle in 1946-7 was fought at the national level where the political forces representing Indian nationalism and Pakistani nationalism were locked in a bitter ideological and political struggle over carving out the boundaries of their respective future states. The Congress had conceded ground to the Muslim League in accepting Partition; but, in order to preclude any further divisions of the country, it insisted that the lapse of Paramountcy did not lead to independence of the Indian states and

they must accede to either India or Pakistan. That seemed to be precisely contrary to the Muslim League's aim—'to prevent the consolidation of India and to balkanize it, if possible'.³² Accordingly, the Muslim League held that every Indian state was a sovereign state and upheld unequivocally the ruler's sovereign right to decide whether to join India, or Pakistan, or remain independent. The objective clearly was not only to keep as much territory and people away from India as possible, but in the process also create differences between the Indian Union and the states which would inevitably lead to their close alliance with Pakistan.³³

Political Equations among the Players

What were the political equations between the Kashmiri group identity and the Indian nation, and between the Muslim group identity and the Pakistani nation? The relationship between the first set of players may be characterized as a partnership based on a community of ideals and principles forged during the freedom struggle.³⁴ The Congress leadership had affirmed that 'the will of the Kashmiris was the supreme law in Kashmir', and right up to 14 August 1947 it advised the Maharaja to ascertain his people's wishes and accordingly join either India or Pakistan. But they were anxious that he should not declare independence. This means that the political forces representing the Indian nation were supportive of Kashmiris' struggle against the Dogra Maharaja and upheld the National Conference's position that the people should decide the political future of their states, but only as long as that did not threaten their own vision of the Indian State. In other words, the Congress was willing to accept Kashmiris' choice of acceding to either Dominion. But it was not prepared to concede an independent Kashmir because that would amount to accepting the British (and later the Muslim League's) interpretation of the lapse of Paramountcy—making the Indian states independent to decide their political future—which would have alarming and far-reaching ramifications for the unity of the Indian State.

The second set of players also shared common beliefs and ideals, but were cast in a subordinate-dominant relationship. The Muslim Conference gave first priority to fighting for a separate Muslim homeland rather than working for political reforms in Jammu & Kashmir. Jinnah, secure in his belief that '99 per cent of Muslims [in Jammu & Kashmir] considered the Muslim Conference to be their

sole representative organization' took their support for granted. Significantly, the Muslim League and the Muslim Conference had *not* asked the Maharaja to accede to Pakistan till as late as 25 July 1947. On the contrary, they had urged him to declare independence, promising full support.³⁵

The Game: Historical Developments

Within days of the transfer of power all equations changed quickly when the Maharaja dismissed Prime Minister R.C. Kak who had apparently been 'hobnobbing with Pakistani politicians promising them Kashmir on a platter'.³⁶ There were reports about the Maharaja considering a proposal to hold a referendum to decide Kashmir's future. This totally upset Pakistan's calculations about Kashmir because so far its entire Kashmir policy had revolved around the Maharaja. When he showed an inclination to ascertain the popular choice, the Muslim League and the Muslim Conference were left floundering. They had never sought the people's support on accession since people mattered little in Jinnah's strategy. Sheikh Abdullah quoted Jinnah's reply to a Kashmiri activist's question whether the people of Kashmir would decide its future as 'let people go to hell'.³⁷ Consequently, they were now not sure of winning the contest in the people's court. G.M. Sadiq revealed that before the invasion, the National Conference had deputed him to 'approach the Pakistani Government at the highest level to recognize the democratic rights of the Kashmiri people for self-determination and abide by the sovereign will of a free people, on the question of free association with either of the Dominions. I met Pakistan's Prime Minister and other Ministers, but it was of no use'.³⁸ This explained the sudden turnabout in the Muslim League's and the Muslim Conference's policy after 15 August 1947. They had earlier tried to persuade the Maharaja to declare independence, but now accession of a Muslim-majority state was projected as integral to the very idea and *raison d'être* of the Pakistani nation.

They, therefore, decided to force Kashmir's accession to Pakistan. The Muslim Conference started organizing the rank and file and forged a joint front with the Muslim League units across the border in Punjab and the North-West Frontier Province.³⁹ A revolt broke out in Poonch against the Dogra forces, and gradually armed irregulars from Pakistan started infiltrating into the Poonch, Mirpur and Muzaffarabad areas. Subsequently, Pakistan cut off all essential

supplies to Kashmir through road and rail links and, finally, on 22 October 1947, armed tribesmen and irregular soldiers of the Pakistani army invaded Kashmir.

If the objective of the raiders' attack was to annex Kashmir by force, they failed. The Muslim Conference and the Muslim League led by Jinnah had miscalculated on three counts. First, the Maharaja did not buckle under the pressure of the raiders' attack to accede to Pakistan. On the contrary, he released the National Conference leadership (including Sheikh Abdullah), sought Indian military help to ward off the Pakistani attack, and finally acceded to India. The Indian government responded by dispatching troops to Jammu to drive out the raiders. Jinnah retaliated by ordering General Gracey (acting Chief of the Pakistan Army Staff) to attack Kashmir. However, he was forced to rescind his orders when the Supreme Commander of the Indian and Pakistani forces, Field Marshal Auchinleck, warned him of the 'incalculable consequence' of any military action which could be construed as a violation of Indian territory because in case of a war, 'western Punjab and eastern Bengal alike would fall like overripe plums into the Indian basket'.⁴⁰ Jinnah's second mistake was not to recognize and take into account the military weakness of the Pakistan Army. Third, the Muslim League had clearly overestimated the Muslim Conference's support base in Jammu & Kashmir state, and consequently was misled by developments in Poonch. The Muslim Conference led by Ghulam Abbas had a strong support base in the border areas of Jammu region, including Poonch, Mirpur and Muzaffarabad which supported accession to Pakistan. They revolted against the Dogra forces and welcomed the tribal raiders. But to assume that the 'Poonch revolt' would lead to a rebellion by Kashmiris as well, was a serious miscalculation because people in the Valley, the National Conference's stronghold, had disavowed their *religious identity* long ago in favour of a *Kashmiri identity*. And they were prepared to defend it in the face of coercion.

The National Conference rose to the occasion and maintained its morale till the Indian Army reached the state. Sheikh Abdullah gave a clarion call for raising 15,000 volunteers. A volunteer corps called the Peace Brigade was formed and a National Militia was set up to guard key government installations, banks, treasuries, post offices and bridges, and people were asked to collectively donate their weapons and make their vehicles available for use. Srinagar reverberated with the slogans of '*Sher-e-Kashmir Ka Kya Irshad, Hindu-Muslim Sikh Ittehad*' and '*Hamlaawar Khabardar, Ham Kashmiri Hain Taiyar*;

Hamlaawar Khabardar, National Fauj Hai Taiyar'. The Sheikh pleaded with the people:

Today the raiders from Pakistan are a few miles from Srinagar. They are raising the slogan of Islam. It is open to you to be with them or to be with me. If you opt to be with me you must know that you have to live for all times on the principle that Hindus, Muslims and Sikhs are brothers. If that is the language of a 'Kafir' you should raise your sword first against me. If you want to raid or rape 'Kafirs' I am the first 'Kafir' and you must start from my place and my family.⁴¹

A National Cultural Front, comprising some veteran National Conference workers, writers, actors and artists was formed to mobilize the people through patriotic songs, plays, articles, news bulletins, paintings and banners.⁴² They played a momentous role in arousing the patriotic sentiments of the people and motivating them to sacrifice their lives.

The raiders' attack had brought significant shifts in the position of three key players—Maharaja Hari Singh, the National Conference and the Congress. First, and most important, it had foreclosed the independence option. Pakistan's coercive tactics had pushed the Maharaja into India's arms as he was left with little choice but to accede to India. The National Conference's position of 'Freedom before Accession' was rendered irrelevant and the party led by Sheikh Abdullah decided to throw in its lot with India. Finally, it raised India's stakes in Kashmir considerably. Earlier, the Congress leaders were prepared to accept Kashmir's decision to accede to Pakistan if it so preferred, but now they insisted on driving back the Pakistani forces and incorporating the state in the Indian union. Even Mahatma Gandhi said that in the wake of the two-nation theory, 'Muslims all over the world are watching the experiment in Kashmir. . . . Kashmir is the real test of secularism in India.'

OUTCOME

The end-result of the political struggle and military conflict was the territorial bifurcation of two contending identities in Jammu & Kashmir. The Muslim group identity in the Punjabi-speaking areas of Poonch, Mirpur and Muzaffarabad along with Gilgit and Baltistan had become a part of Pakistan, and the Kashmiri group identity popular in the Valley along with Jammu and Ladakh was retained as a part of India (see Map 2).

Nehru's decision, in consultation with Sheikh Abdullah, to unilaterally declare a ceasefire in October 1948 marked not only the military but also the political partition of the state along the positions held then. That Ceasefire line is the de facto boundary but Jammu & Kashmir state remains a permanent bone of contention between India and Pakistan.

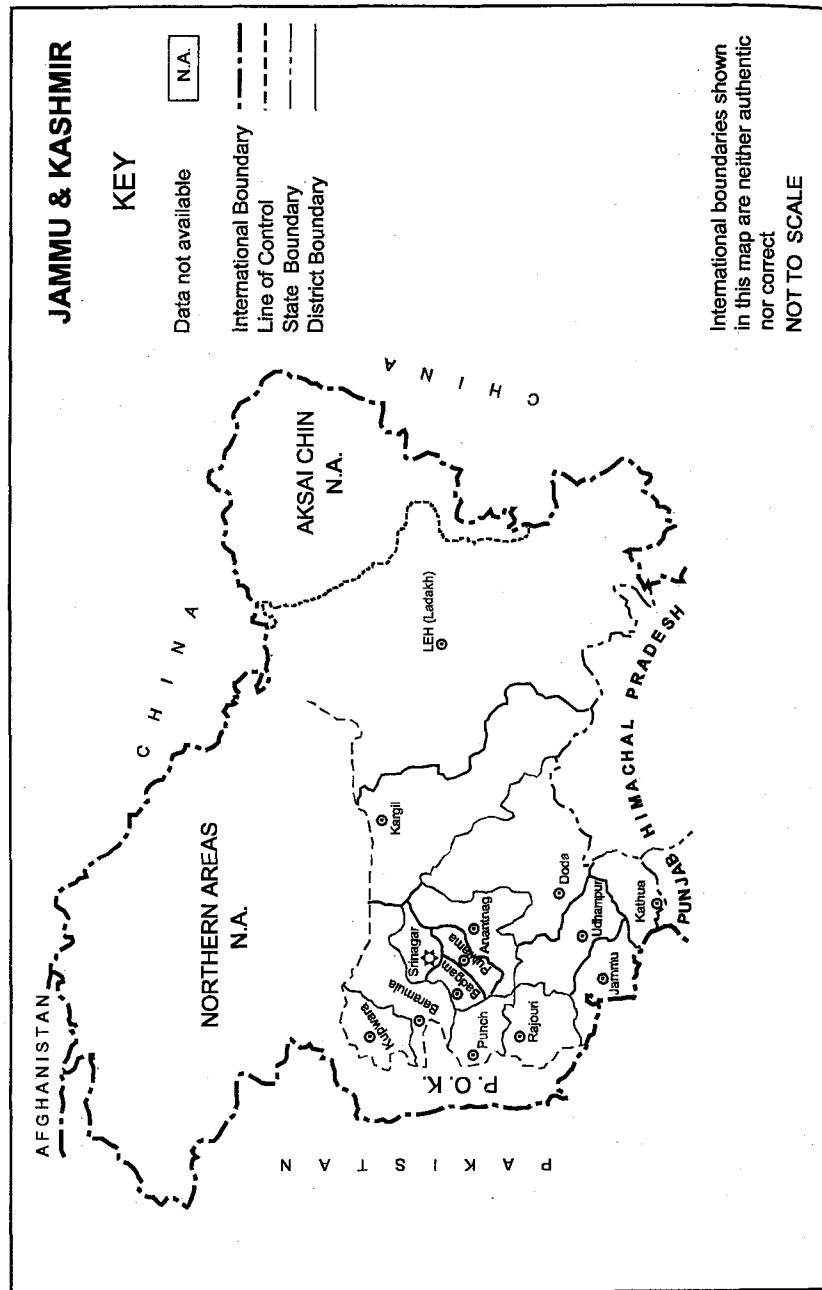
NOTES

1. The recommendations of the Sharp Commission to improve the educational facilities for Muslims, including establishment of primary schools in 1,990 villages and 39 towns exclusively inhabited by the Muslims, appointment of Moulvis as teachers and opening of more schools in Kashmir division, were not accepted by the state authorities. The Education Secretariat did not have a single Muslim employee. See F.M. Hassnain, *Freedom Struggle in Kashmir*, New Delhi: Rima Publishers, 1988, pp. 30-1.
2. Hassnain writes that some prominent buildings were 'Pather Masjid, Khanqah-i-Sokhta, Khanqah-i-Bulbul Shah, Khanqah-i-Darashikoh, the mosque of Mulla Shah, Idgah at Srinagar, the tomb of Madin Sahib, Pari Mahal, the tomb of Sultan Zain-ul-Abidin's mother, the Mughal masjids at Jammu, Rajouri, Chingas and Poonch, Khanqah-i-Sofi Shah (Jammu), Malshashi masjid (Ganderbal), sarais on the Mughal road, Takhat-i-Sulaiman and Qila Nagar-nagar on Koh-i-Maran'. Ibid.
3. Some striking examples of the Muslims share in civil services in 1931 were as follows:

Department	Muslims	Hindus
Press	5	66
Public Works	3	194
Electricity	3	47
Telegraph	7	73
Customs	14	195
Revenue	9	85
Finance	29	368
Judiciary	21	162

As cited by Hassnain, op. cit., p. 31.

4. In 1930, the Reading Room Party had presented a memorandum to the state government demanding reservation of state services for Muslims according to their population, relaxation of qualifications of Muslim aspirants for state services in view of the general educational and economic backwardness, grant of scholarships to Muslim students for education, appointment of a separate Muslim Directorate to supervise the education of Muslim students and appointment of Muslim teachers in government schools to protect the educational interests of Muslim children.
5. Their key demands were: appointment to government services and grant of



MAP 2: ADMINISTRATIVE DIVISIONS - POST 1947

- scholarships for education to be made on the basis of merit, educational qualifications and technical capabilities and rejection of any demand for reservations in these areas and in granting any concessions in trade, commerce and government contracts. For more details, see Santosh Kaul, *Freedom Struggle in Jammu & Kashmir*, New Delhi: Anmol Publications, 1990, pp. 22-3.
6. Sheikh Abdullah, *Flames of the Chinara*, translated from Urdu by Khushwant Singh, New Delhi: Viking, 1993, p. 13.
 7. As cited in Hassnain, op. cit., p. 50.
 8. Meetings were held at Delhi, Ferozepur, Gorakhpur, Simla (now Shimla), Deoband, Jhelum, Gurdaspur, Bhagalpur, Sargodha, Jhang, Shahjahanpur, Bombay, Calcutta, Rangoon, Cuttack, Layaipur, Dera Ghazi Khan, Jaremwala, Mussori, Arwal, Panipat, Kalanoor, Bhani, Khaniwan, Hoshiarpur, Talwandi, Shahabad, Karnal, Patiala, Mansera, Rangpur, Kalicut and Lahore.
 9. Kaul, op. cit., p. 30.
 10. Ibid.
 11. For a detailed discussion on this issue, see, Syed Jamal Uddin, 'From Communal to National Politics: Kashmir During 1930-1940', in *History of the Freedom Struggle in Jammu & Kashmir*, Mohammad Yasin and A. Qaiyum Rafiqi (eds.), New Delhi: Light and Life Publishers, 1980, pp. 63-8. Also see G.H. Khan, *Freedom Movement in Kashmir 1932-1949*, New Delhi: Light and Life Publishers, 1990, pp. 168-72, 200-15 and Abdullah, op. cit., pp. 27-34.
 12. Resolution No. 3 of the General Council of the Muslim Conference, 10-12 August 1936. As cited in Kaul, op. cit., p. 34.
 13. As cited in Hassnain, op. cit., p. 88.
 14. The Bill of Rights guaranteed the right to freedom, conscience and worship, freedom of speech, freedom of press, freedom of assembly, freedom of street processions and demonstrations, right to association including the right to constitute trade unions, cooperative societies, women and youth organizations, self-defence organizations, political parties and cultural, scientific and technical societies. Kaul, op. cit., p. 122.
 15. As cited in Kaul, ibid., p. 53.
 16. Ghulam Abbas wrote in his biography that they had agreed 'only to permit the Hindus to join the Conference and nothing beyond'. Ibid., p. 54.
 17. As cited in Hassnain, op. cit., p. 140; and M.J. Akbar, *India—The Siege Within*, New Delhi: Penguin, 1985, pp. 227-8.
 18. As cited in P.N. Jalali, 'Quit India Movement: A Framework', in Yasin and Rafiqi, op. cit., p. 151.
 19. Kashyap Bandhu's statement as cited in Kaul, op. cit., p. 173.
 20. Ibid., p. 84.
 21. Ibid., p. 154.
 22. British Political Agent in Kashmir, W.F. Webb's statement cited in Prem Shanker Jha, *Kashmir, 1947: Rival Versions of History*, New Delhi: Oxford University Press, 1996, p. 15.
 23. The main communities possessing arms included Muslims in Poonch and Mirpur, Dogra Rajputs of Jammu province and tribals inhabiting the Darden dependencies around Gilgit.
 24. Kashyap Bandhu's statement, as cited by Kaul, op. cit., p. 135.
 25. In an interview with K.D. Sethi, a veteran leader of the National Conference on 5 May 1996.

26. As cited in Sisir Gupta, *Kashmir: A Study in India-Pakistan Relations*, Bombay: Asia Publishing House, 1966, p. 58.
27. Early attempts to forge Muslim unity and revive the Muslim Conference led by Sardar Guar Lehman did not fructify primarily because of Ghulam Abbas' deep distrust of Kashmiri leaders. These differences were resolved only when the two sides agreed to unanimously elect Chowdhary Abbas as the party president of the Muslim Conference and Quershi Mohammad Yousuf from Kashmir as the general secretary.
28. In a speech at Hazratbal on 5 October 1947, the Sheikh asserted that 'our aim is to establish a people's government in Jammu & Kashmir State. The old regime of the Dogra Maharaja must go and should be replaced by the people's *raj* (rule). If four million people of the state are bypassed and the state declares its accession to India or Pakistan, I shall raise the banner of revolt and we shall start our struggle. We want complete freedom to decide our fate. Of course, we will opt for that Dominion where our demands for freedom are recognized. We cannot join those who say that the people must have no choice. Our first demand is complete transfer of power to the people. It will be the representatives of the people who will decide as to whether we should join India or Pakistan.' As cited in Hassnain, op. cit., p. 148.
29. Abdullah, op. cit., p. 83.
30. Abdullah, cited by V.K. Krishna Menon in *The Statesman*, 13 April 1964.
31. Geographically, Jammu & Kashmir was contiguous to both India and Pakistan, and also depended on them for its economic sustenance. Besides, while a majority of its population were Muslims, it had significant minorities of Hindus, Buddhists and Sikhs.
32. Sisir Gupta, op. cit., p. 49.
33. Ibid.
34. Their perceptions of each other differed. Kashmiris perceived the Indian nationalist forces as allies whereas the latter considered the Kashmiri group identity as its part.
35. Sisir Gupta argues that the Muslim League had supported Kashmir's independence despite Mountbatten's assurance to the Maharaja, on behalf of the Congress leadership, that even accession to Pakistan was more welcome than a declaration of independence. It contradicts the current viewpoint articulated by Pakistan that inclusion of Kashmir was an integral part of the political aspirations of the Muslim League. Earlier too, Jinnah had repeatedly declared that the Lahore Resolution was only confined to British India and his plans for Pakistan were not extended to Indian States. Gupta, op. cit., p. 45.
36. M.C. Mahajan, *Accession of Kashmir to India: The Inside Story*, Sholapur: Institute for Public Affairs, 1950, p. 2.
37. Abdullah, op. cit., p. 60.
38. Bakshi Ghulam Mohammad corroborated this belief that 'the Pakistani leaders were unwilling to let the Kashmir issue be decided by a referendum. The Pakistani leaders were reported to have said that unless Sheikh Abdullah pledged to Pakistan that the National Conference would solidly vote for the state's accession to Pakistan, they could not agree to referendum.' As cited in Gupta, op. cit., p. 108.
39. An underground coordinating committee, called the Pakistan Council, was constituted to launch Direct Action to compel the Maharaja to accede to Pakistan.

The Muslim Conference's warning that Muslims in Pakistan were awaiting a call from Kashmiris to come to their support showed that they were already in touch with the Pakistani leadership. Kaul notes that several Muslim tribal chieftains with huge fiefdoms in Muzaffarabad and Baramulla had established secret liaison with their counterparts across the border in order to seek help in overthrowing the Dogra dynasty. Kaul, op. cit., pp. 199-200.

40. Ayesha Jalal, *The State of Martial Rule*, Cambridge: Cambridge University Press, 1990, p. 44.
41. As cited in P.S. Verma, *Jammu & Kashmir: At the Political Crossroads*, New Delhi: Vikas Publishers, 1994, p. 35.
42. Hassnain, op. cit., p. 161.

CHAPTER 4

Dream Gone Sour

The accession of Jammu & Kashmir to India heralded a new journey, a new relationship marked by compatibility of ideological and political interests. We will examine both the relationship between the modern Indian State and Kashmiris, and within Jammu & Kashmir—that of the state with the people of Jammu and Ladakh. Kashmir has been used in this chapter in a generic sense of both the state of Jammu & Kashmir and also specifically the Muslim-majority Valley.

RELATIONSHIP OF THE INDIAN STATE WITH KASHMIR

In order to examine this relationship, however, it is important to understand the nature of the Indian State structures.

Indian State: Quasi-federal Structures

The Constituent Assembly had largely adopted and expanded the institutional pattern set by the colonial state. Centre-state relations, in particular, were designed after the 1935 Act. After Partition, the Congress dramatically reversed its position on its pre-Independence commitment of securing more powers for the provinces and repudiated the Cabinet Mission Plan envisaging a federal structure with limited compulsory central subjects of defence, foreign affairs and communications, with residuary powers vested in autonomous provinces. The need for instituting power-sharing devices was subordinated to the imperatives of state building and forging national solidarity. Nehru echoed the majority view in the Union Powers

Committee of the Constituent Assembly that 'it would be *injurious to the interests of the country* to provide for a weak central authority'.¹ (emphasis added)

Since the Indian federation was founded by the Union vesting powers in the states, 'most institutional devices for inter-governmental consultation and participation of states in national decision-making processes owed their origins to central initiatives, their authority to central statutes and their agendas and terms of reference to central ministries'.² Federalism under Nehru's regime functioned essentially within the Congress system, to the extent that inner party democracy within the limits of the consensual model was a reality. The strong-state ideology fitted Nehru's programme of bolstering a national Indian identity.

In Nehru's vision, a person could be an Indian and be a Bengali or Tamil or Hindu or Muslim. It was the *primacy* a person accorded to the regional, religious or ethnic identity and the national identity that was in question. Nehru hoped that in the process of nation building, an individual would become *first* an Indian and *then* Bengali or Tamil or Hindu or Sikh, and perhaps ultimately the forces of modernization would sweep away the ascriptive identities of ethnicity, caste and religion.

Nehru, however, realized that the real challenge to the Indian nation emanated from the collective political expression of sub-national identities. His reluctance to carry out the reorganization of states along linguistic lines stemmed from the belief that sub-national loyalties would weaken the development of loyalty to the Indian nation. The Indian State therefore had to be strengthened to ensure the allegiance of sub-national identities and to protect and safeguard the *national interest* of the Indian identity. Nehru adopted a flexible and mixed strategy of political accommodation and coercion to achieve this political objective. So long as a collective identity did not articulate political demands in religious terms and did not seek secession, it was considered sympathetically. For instance, while the Indian Army crushed the Naga insurgency seeking a separate and independent state and Nehru denounced the Praja Parishad agitation in Jammu as a communal movement, he ultimately conceded the demand for linguistic reorganization of state boundaries in 1956. Kashmir had acceded to India under the extraordinary circumstances of being invaded by Pakistani raiders. Maharaja Hari Singh's decision to sign the Instrument of Accession³ was fully backed by the Sheikh Abdullah-led National Conference. In accepting the accession,

however, Mountbatten replied, 'It is my Government's wish that, as soon as law and order have been restored in Kashmir. . . the question of the State's accession should be settled by a reference to the people.' Subsequently the issue was referred to the United Nations where the debate revolved around holding a plebiscite in Kashmir.

Internal Divergences

The Indian State's policy towards Kashmir in the early years was marked by internal differences between Nehru and his home minister, Sardar Patel, on the significance of Kashmir's accession to India, strategies to achieve that and its status in the Indian Union. Before 15 August 1947, Patel had not paid much attention to the Muslim-majority state's accession and was prepared to accept the ruler's decision to accede to Pakistan. But after Pakistan's acceptance of the accession of Junagarh, a Hindu-majority state, and the raiders' invasion, Patel was firm on 'driving the enemy back' and retaining the state at all costs.⁴ He believed that Kashmir's accession to India after signing the Instrument of Accession was complete and irrevocable, and the plebiscite offer was an unnecessary complication. Referring the issue to the United Nations was another major mistake, as it had no *locus standi* in deciding Kashmir's political future. Patel also opposed any special concessions to the state and did not want to alienate Maharaja Hari Singh, the ultimate constitutional authority in the state, because he distrusted Sheikh Abdullah. B.N. Mullick quotes him, 'Sheikh Abdullah would ultimately let down India and Jawaharlal Nehru and would come in [*sic*] his real colours; his antipathy to the Maharaja was not really an antipathy to the ruler as such, but to the Dogras in general and with the Dogras he identified the rest of the majority community in India'.⁵

Jawaharlal Nehru, on the other hand, was keen not to lose Kashmir because a Muslim-majority state's accession to India was critical to establishing the secular base of the Indian nation state. Accordingly, he was prepared to go the extra mile in accommodating the political aspirations of Kashmiris. He promised to honour the Kashmiris' right of self-determination, and, confident of winning the plebiscite with the National Conference's support, assured that the state's future was secure in a federal, democratic and secular India. Political differences between Nehru and Patel led to the latter offering his resignation in December 1947, and were only resolved by Nehru taking over total command of designing India's Kashmir policy.

Nehru's Kashmir policy revolved around Sheikh Abdullah. He believed that 'the only person who can deliver the goods in Kashmir is Sheikh Abdullah [and . . . no satisfactory way can be found in Kashmir except through Sheikh Abdullah].⁶ He relied on Sheikh Abdullah's leadership to mobilize popular Kashmiri support in India's favour and openly canvassed for strengthening the Sheikh's position vis-à-vis other political forces in the state. Nehru forced Maharaja Hari Singh to appoint Sheikh Abdullah as Prime Minister of the interim government and himself become a constitutional figurehead, allowing the Sheikh to wield the real authority. The central government accepted Sheikh Abdullah's request to modify the Mysore model of power sharing between the Maharaja and himself by removing the interposition of the Diwan—the Maharaja's own Prime Minister, M.C. Mahajan—in the council of ministers. In the constant tussle for power between Maharaja Hari Singh and Sheikh Abdullah, Nehru wholeheartedly supported the latter on various issues including the merger of Jammu & Kashmir State Forces into the Indian Army, creation of the Home Guards, arming the Valley's Muslims and criticizing the Maharaja for encouraging Hindu communal elements in Jammu. Ultimately, the Maharaja was forced to abdicate, and his son Dr Karan Singh became the first Regent of the state.

Nehru condemned the Praja Parishad movement so that its communal leadership did not weaken Sheikh Abdullah's secular support base and jeopardize Indian interests in Kashmir. He denounced the Praja Parishad agitation as 'objectionable, anti-social, reactionary and subversive'.⁷

Special Status

Kashmir was granted a special status under Article 370 of the Indian Constitution.⁸ No provision of the Indian Constitution except Article 1 (bringing it under the territorial jurisdiction of India) was made applicable to Jammu & Kashmir state. In accordance with the Instrument of Accession, the Indian Parliament could legislate only on the three subjects of defence, foreign affairs and communications, vesting the residuary powers in the state, a situation unique to Jammu & Kashmir in the Indian Union. Moreover, Kashmir was allowed to retain important cultural symbols, such as its own flag, political titles such as Wazir-i-Azam (Prime Minister) instead of Chief Minister for the elected head of the government, and Sadar-i-Riyasat instead of Governor for the head of the state.

Nehru endorsed the idea of convening a separate Constituent Assembly to determine the future of Dogra rule and draw up the state constitution. Kashmir's special position was further cemented by the Delhi Agreement in 1952 which provided for the abolition of hereditary rulership; vesting of residuary powers in the state; continuation of special citizenship rights for the 'state-subjects'; flying a separate flag for the state with the national flag also finding a supremely distinct place; and, subject to certain restrictions and limitations, extension of provisions of the Indian Constitution in respect of fundamental rights, emergency powers of the President and jurisdiction of the Supreme Court. Nehru had clearly gone a long way in accommodating the Kashmiri sensitivities by adapting the Indian Constitution to suit their special requirements.

Nehru's Strategy

Why did Nehru make special concessions for Kashmir? His reasons for granting a special status were not because he conceded Kashmir's right to an autonomous status as that clashed with his own conception of the modern Indian State underlining the supremacy of the Indian nation. Kashmir's inclusion in the Indian State was necessary for fighting an older and larger battle of secular Indian nationalism vis-à-vis Pakistan's two-nation theory. Nehru had argued: 'We have always regarded the Kashmir problem as symbolic for us . . . as it illustrates that we are a secular state. . . . Kashmir has consequences both in India and Pakistan, because if we disposed of Kashmir on the basis of the two-nation theory, obviously millions of people in India and millions in East Pakistan will be powerfully effected.'⁹

Sheikh Abdullah and the National Conference were vital assets because they shared Nehru's faith in secularism. Sheikh Abdullah had affirmed unequivocally: 'My organization and I never believed in the formula that Muslims and Hindus form separate nations. We did not believe in the two-nation theory, in communalism or communalism itself. . . . We believed that religion had no place in politics.'¹⁰

Nehru realized that the accession of the Muslim-majority state would not only strengthen India's secular credentials, but was necessary for providing critical support in the continuing tussle vis-à-vis Pakistan. He had impressed upon Sardar Patel as early as 27 September 1947 to take some action

to force the pace and turn events [in Kashmir] in the right direction. We have

definitely a great *asset* in the National Conference provided it is properly handled. It would be a pity to lose this. Sheikh Abdullah has repeatedly given assurances of wishing to cooperate and *of being opposed to Pakistan*; also to abide by my advice. I would again add time is the essence of the business and things must be done in a way so as to *bring about the accession of Kashmir to the Indian Union as rapidly as possible* with the co-operation of Sheikh Abdullah.¹¹ (emphasis added)

By the same logic, Jammu & Kashmir was important for Nehru's efforts to establish a secular Indian State internally, because secular nationalism had not only faced an ideological adversary in Muslim nationalism but also Hindu nationalism 'fed as the latter was by a belief in "Muslim disloyalty" to India'.¹² The Hindu nationalist faction represented by the Jan Sangh and the Rashtriya Swayamsevak Sangh (RSS) could not win the battle for state formation but had always lurked in the background 'waiting for their opportunity to take control of the Indian State'.¹³ In this context, a voluntary decision of Muslim-majority Jammu & Kashmir state to join India strengthened Nehru's hands. He argued: 'it helped our thesis of nationalism not being related to religion. If the contrary thesis were proved . . . it would have a powerful effect on the communal elements in India, both Hindu and Muslim. That is of extreme importance to us—that we don't by taking some wrong steps in Kashmir create these terribly disruptive tendencies within India.'¹⁴ Thus, Nehru's keenness to secure Kashmir's accession was grounded in a larger political objective. Besides secular Indian nationalism it sought to contain Hindu nationalism as well.

Subset of the Indian Nation

The point to note is that in both cases Nehru regarded Kashmiri identity as an *asset* for the Indian nation, that is, he viewed it as a *subset* of the Indian identity. While he was willing to concede maximum political autonomy for Jammu & Kashmir, it would not be at the cost of the Indian State. That is why, whenever Kashmiri political aspirations clashed with the interests of the Indian Union—the parent body—as defined by the central leadership, the latter prevailed.

After removing the Maharaja, Sheikh Abdullah reversed his position on the merger of the Jammu & Kashmir State Forces into the Indian Army to demand a properly organized state army.¹⁵ He argued

that the Indian government's powers for the defence of Jammu & Kashmir did not include the control and disposition of the state's armed forces. This directly challenged the Indian State's monopoly over military instruments of power for defending territories, and the fact that a separate state army could turn hostile against the Indian State had dangerous implications for national security. The central leadership therefore dismissed the contention of the National Conference.

During negotiations on Article 370 in 1951-2, the National Conference insisted that the state would not be brought within the territorial jurisdiction or constitutional organization of the Indian Union. No instruments, including the Constituent Assembly of Jammu & Kashmir state, would be vested with any powers to change and modify the existing constitutional relationship. It persistently argued that the Constituent Assembly of the state was a sovereign body, independent of the Constitution of India and exercised inherent powers derived from *the people of the state who did not form a part of the people of India*. This amounted to not only excluding Jammu & Kashmir state from the jurisdiction of the Union, but also making all federal instrumentalities inoperative as there would be no remedies if the Constituent Assembly of the state transgressed limits and violated the Constitution of India.¹⁶ The central government rejected this position and insisted that the provisions in the state constitution must not be inconsistent with the basic structure of the Constitution of India.

The central leadership had taken it for granted that the state would be integrated into the Indian Union. While Patel's conviction emanated from the constitutional validity of the Instrument of Accession, Nehru was confident of winning the plebiscite in India's favour. In July 1949, the Ministry of States headed by Sardar Patel had suggested to the Drafting Committee of the Constituent Assembly:

Jammu & Kashmir state may be treated as part of Indian territory and shown in states specified in Part III of Schedule I. A special provision may be made in the Constitution to the effect that *until Parliament provides* by law all the provisions of the Constitution applicable to the states specified in Part III of Schedule I will apply to the state, the power of Parliament to make laws for the State will be limited to the items specified in the Schedule to the Instrument of Accession governing the accession of this state to the dominion of India or to the corresponding entries in List I of the new Constitution.¹⁷

Equally important are the reasons furnished by Gopalaswamy Ayyangar for granting Kashmir a special status. They concerned chiefly extraneous considerations.

In the first place there has been a war going on . . . the conditions in the state are still abnormal. . . . Part of the state is still in the hands of rebels and enemies. We are still entangled in the United Nations in regard to Jammu & Kashmir. . . . We are also committed to ascertaining the will of the people by means of a plebiscite provided that peaceful and normal conditions can be restored and the impartiality of the plebiscite could be guaranteed.¹⁸

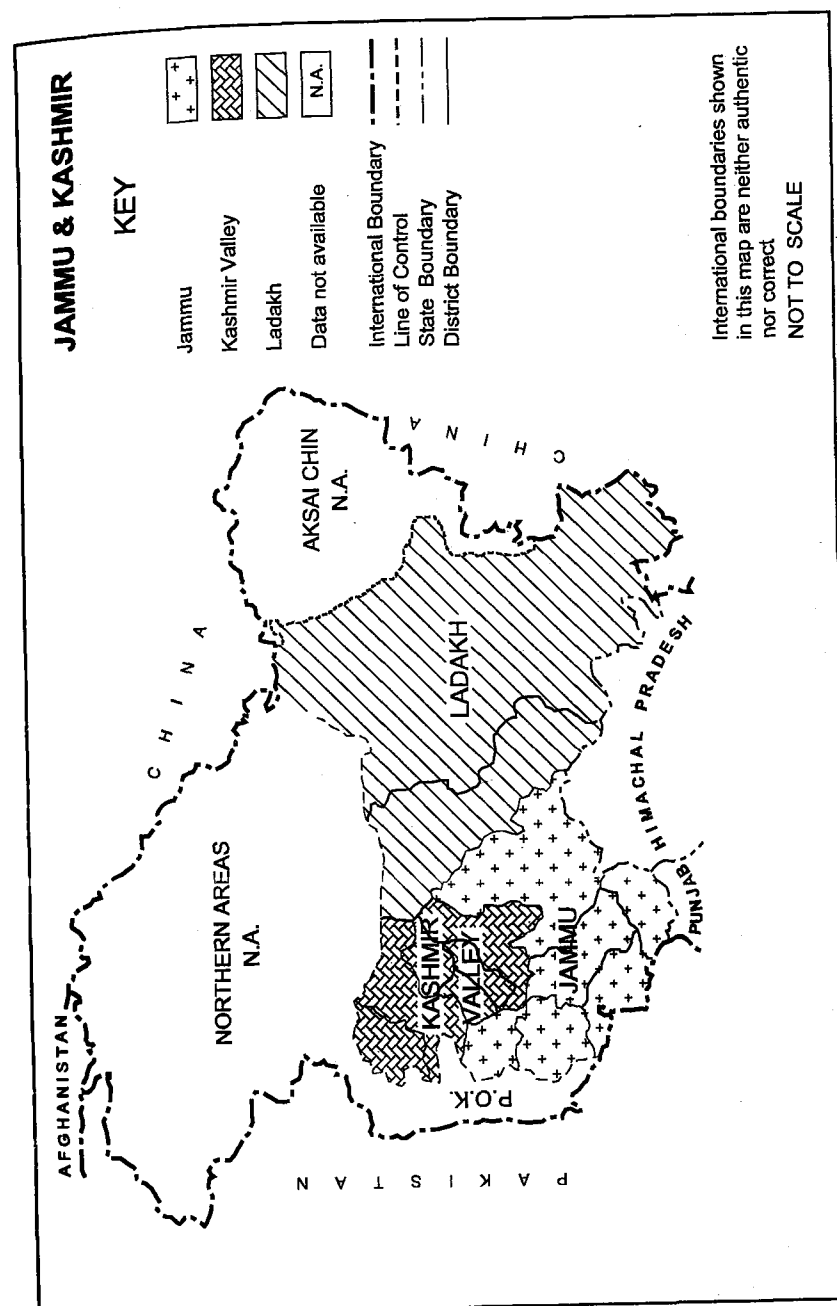
Clearly, neither took into account the political aspirations of Kashmiris, nor did they admit their right to an autonomous status in the Indian Union. On the contrary, Article 370 was projected as a temporary provision and Ayyangar expressed the hope on behalf of 'everybody here that in due course, even Jammu & Kashmir will become ripe for the same sort of integration as has taken place in the case of other states'.¹⁹ In placing the Delhi Agreement before the Indian Parliament, Nehru corroborated that 'there is nothing final about this'. Once he withdrew the plebiscite offer and began viewing the role of the United Nations as unwarranted interference, the shift in his position was clear. He was 'willing to talk with Pakistan or any other country or the United Nations provided two basic facts are accepted. One basic fact is that Kashmir became *part* of India in October 1947. The other basic fact is that of Pakistan's unprovoked and improper invasion of Kashmir'.²⁰

Granting special status was a tactical strategy rather than acceptance of Sheikh Abdullah's principled argument that 'the special position accorded to the [Jammu & Kashmir] State can alone be the source of growing unity and closer association between the State [read Kashmiris] and India'.²¹ Significantly, Sheikh Abdullah refused to accept the same reasoning in formulating the relationship between the state and the Jammu and Ladakh regions.

RELATIONSHIP OF JAMMU & KASHMIR STATE WITH JAMMU AND LADAKH

The state of Jammu & Kashmir had three geographically and culturally distinct regions—Jammu, Kashmir Valley, and Ladakh as depicted in Map 3.

After acquiring state power, the Kashmiri leadership had replicated the logic of the modern nation state with all its instrumentalities. The



MAP 3: REGIONS

National Conference had sought the status of an autonomous republic in the Indian Union to safeguard and nurture the interests of the Kashmiris. Reversing the logic in Jammu & Kashmir, Kashmiris—the majority community—were reluctant to share political power with Jammu and Ladakh. Abdullah underlined the need to *unify* all the people of the state under the single banner of a Kashmiri identity. But, as noted in the preceding chapter, with its changing character the Kashmiri identity was gradually identified with the Kashmiri-speaking people of the Valley and its imposition on the people in Jammu and Ladakh regions would act as a catalyst for politicization of their regional identities.

Unitary State Structures

The Constituent Assembly (dominated by the National Conference) had created a unitary state with a clear concentration of powers in the Valley. The constitution did not recognize the federal principle of organizing political power giving equitable representation to the underlying social and cultural heterogeneity of society in the state. Consequently, Jammu and Ladakh complained about the iniquitous internal division of powers, and limited and inadequate representation in the new political dispensation.

A constituency-wise analysis showed an inherently disproportionate representation favouring Kashmir Valley as compared to Jammu in the Constituent Assembly and the state assembly. With 45 per cent of the state's population, Jammu's land area of 26,293 sq. km was substantially larger than the Valley's 15,853 sq. km but Jammu had only 32 members in the state Legislative Assembly as opposed to 44 for the Valley. While the Valley returned one member for 73,000 inhabitants, Jammu returned one for 90,000.²² In parliamentary elections, Jammu returned one member for 1.4 million people as compared to one for a million in the Valley. Ladakh's area of 95,876 sq. km constituted 60 per cent of the state's area albeit sparsely populated (with 2.27 per cent of the population). Ladakh had only two seats in the state assembly.

Kashmiri Domination

Constitutionally and politically, the state was without a system of checks and balances. The Sheikh had painstakingly built a 'monolith structure' in a 'one-party state' apparently because the people of

Kashmir wanted 'one organization (the National Conference), one leader (Sheikh Abdullah) and one programme (*Naya Kashmir*)'.²³ Abdullah insisted that 'it was unrealistic to talk of parliamentary opposition in the Assembly when Kashmir itself was going through a critical phase . . . the National Conference was the only political party which could deliver [the] goods'.²⁴ Parliamentary democracy, resting on the principle of majority rule, was politically translated to mean 'Kashmiri rule'. Sheikh Abdullah's five-member cabinet reflected the new power equations, with only one representative from Jammu and none from Ladakh. Kashmiri dominance of the state structures denied space for articulating the political aspirations of non-Kashmiris. Representation of Jammu and Ladakh was left to the mercy of the National Conference, a party with a limited mass base in smaller regions, the top leadership of which, including the president, vice-president, general secretary and treasurer, was drawn exclusively from Kashmir Valley.

In the first elections for the Constituent Assembly in 1951, rejection of 45 out of 49 opposition candidates of the Praja Parishad on flimsy technical grounds subverted the democratic process and denied Jammu a voice in shaping the future political system.²⁵ The National Conference won 100 per cent of the seats, including 73 uncontested seats in the house of 75. Questionable political practices of wholesale rejection of the opposition candidates' nomination papers and unopposed seats set an unhealthy precedent in the state, a precedent which would remain firmly established for a long time.

Sheikh Abdullah used the state apparatus extensively for patronizing the National Conference as 'the party and administration were two wheels of the same vehicle and hence were inseparable'.²⁶ The Sheikh was keen to empower the *majority community*—the Kashmiri Muslims—by giving them the jobs and land they had long been 'denied'. The state government's periodic release of statistical data about the communal composition of the staff indicated acceptance of the 'legitimacy of communal claims'.²⁷ This obfuscated regional representation of Jammu and Ladakh in the civil service because a majority of Hindus in the state government were Kashmiri Pandits. In the tussle between Kashmiri Muslims and Pandits over government jobs, the claims and needs of Dogras, Gujjars, Ladakhi Buddhists and Ladakhi Muslims were largely ignored.

The National Conference's revolutionary programme of land reforms abolished the privileges of the Maharaja and feudal vassals over most of the cultivated areas in the state. Laws were enacted for

the protection of tenants, allowing them to retain 75 per cent of the produce. A moratorium was declared on their debts, and their rights to mortgaged property were reinstated. Under the Big Landed Estates Abolition Act, 8,00,000 acres of land were transferred to 2,47,000 tillers without any compensation to the owners. The land reforms were viewed as correcting a historical wrong against the peasantry. But since most landlords in Jammu were Hindus and the peasants were Muslims, the land reforms were criticized on communal grounds. In Ladakh, land was the property of the monasteries, and the reforms were perceived as an attack on the Buddhist clergy. Economic reform measures, such as nationalization of the transport industry and state control of trade, were perceived as crippling the non-Muslims.

The print and electronic media in the state were employed for propagating the National Conference policies. The government had established a community broadcasting system, 'tuned to radio Kashmir, fixed and sealed' as a government publication announced. Local units of the National Conference controlled such sets, numbering 218 in Kashmir and 150 in Jammu. School textbooks were rewritten and several social education centres educated the public about its ideology of Naya Kashmir. Most newspapers were government controlled or strictly censored. Overall, the unitary nature of Jammu & Kashmir state structures and the parochial policies of the National Conference government favouring the Valley in political, economic and administrative matters left Jammu and Ladakh feeling neglected and marginalized.

Jammu: The Praja Parishad Movement

History had turned full circle in two decades. In the 1930s, the pro-Dogra policies of the Dogra Maharaja had politicized Kashmiri Muslims, and by the early 1950s, the pro-Kashmiri policies of the National Conference government acted as a catalyst for the politicization of the people in the Jammu region. The exodus of the Muslim Conference cadres and the deportation of key leaders after the raiders' attack had left a political vacuum in Jammu. No alternative Muslim leadership emerged to articulate their political aspirations either by joining hands with Sheikh Abdullah or in becoming an effective opposition force. The National Conference did not fit the bill, partly owing to the inherent limitations of a Kashmiri bias and single-minded resolve to empower its constituents, and

partly because of Sheikh Abdullah's distrust of the Dogras because of their cultural and psychological affinity with the Maharaja. This political vacuum was filled by the Praja Parishad, a party founded by Balraj Madhok on the existing organizational base of the RSS in Jammu. Madhok believed that a Jammu-based political party was essential for articulating the region's demands because the Indian Prime Minister had 'no interest in Jammu', and the Maharaja was not in a position to act as Jammu's political representative.²⁸

The Praja Parishad, which shared the RSS ideology of Hindu nationalism, used a religious prism to view the state's political realities. It accused Sheikh Abdullah of trying to Islamicize the administration—he had broken up the Hindu-majority district of Udhampur and closed down the Sanskrit Research Department. The land and property of the Charitable Trust for the upkeep of temples and Sanskrit *pathshalas* (schools) had been expropriated and the rehabilitation of Hindu and Sikh refugees from Pakistan-held areas was being opposed. Urdu was made compulsory for all. Most important, political initiative and power had slipped out of Dogra hands to those of Kashmiri Muslims, and it was felt that 'agrarian reforms would fundamentally alter the pattern of social organization of the state to their disadvantage'.²⁹ A Praja Parishad pamphlet observed that the Jammu & Kashmir Constituent Assembly consisted of 75 members of which 50 were Muslims. Clearly, Sheikh Abdullah's Muslim dominance could not and was not to be forced upon the Hindus of Jammu and Buddhists of Ladakh.³⁰ The unceremonious dismissal of the Dogra Maharaja, Hari Singh, had further embittered them and Yuvraj (Prince) Karan Singh's decision to become the first Regent of the state was strongly criticized as a 'traitorous act' legitimizing the Sheikh's actions and being 'tantamount to selling the Dogras out to the Kashmiris'.³¹ The political tribulations and economic plight of the Jammu Hindus was attributed entirely to the Sheikh Abdullah-led Kashmiri Muslim leadership of the National Conference. The Praja Parishad sought to end Kashmiri domination by demanding complete integration of Jammu & Kashmir into the Indian Union. By transferring power from the Valley-based government to the central government, they hoped Kashmiri domination over the Jammu region would be reduced.

A popular agitation was launched in 1952. The Bharatiya Jan Sangh, the Hindu Mahasabha, the Ram Rajya Parishad, the Punjab Arya Samaj and some Akali leaders supported the Praja Parishad. The Parishad's eight-point programme demanded the abrogation of

Article 370; full integration of the state into the Indian Union; full application of the Indian Constitution; removal of the present distinction between 'state-subjects' and Indian citizens; complete jurisdiction of the Supreme Court; removal of customs barriers between Kashmir and India; fresh elections to the Kashmir Constituent Assembly; and investigation of corruption in the state administration by an impartial tribunal.³² The Praja Parishad questioned the Sheikh's motives by pointing to inconsistencies in his logic.

If Sheikh Abdullah hated the Two-Nation theory, and his principles were the same as those of the Indian polity, then where was the ground for not accepting a full accession? Where was the need for a state constitution as distinct from a national constitution? Why should Sheikh Abdullah retain the title of Prime Minister from the royal dynasty—if he had fought the Princely system and already unseated the Maharaja, if other heads of state governments all over India were called Chief Ministers, and if the title of Prime Minister was reserved only for the head of the national government in New Delhi? What was the rationale for having a separate state flag (as in princely times) instead of a national flag that all other Indian States had? Why should an Article 370 exist, giving the state a special status, even though other princely states had acceded fully without any constitutionally sanctioned special provisions?³³

Stressing the unity of the Indian nation, Praja Parishad leader Dr Syama Prasad Mookerjee accused the Sheikh: 'There can not be a republic within a republic. . . . Consciously or unconsciously, you are creating a new sovereignty for Jammu & Kashmir. . . . India has been torn into two by the two-nation theory. You are now developing a *three-nation theory, the third being the Kashmiri nation*. These are dangerous symptoms'³⁴ (emphasis added). That indeed was the nub of the problem. Sheikh Abdullah was trying to create a Kashmiri nation but its increasingly narrow boundaries could not politically accommodate the people of Jammu and Ladakh who started demanding *their* right to self-determination.

The Praja Parishad harked back to the golden days of the Dogra Maharaja's rule and mobilized the people to get rid of Kashmiri domination in the Muslim-majority state by demanding complete merger into Hindu-majority India. Jammu reverberated with the popular slogan, '*Ek desh mein do vidhan, do nishan, do pardhan, nahin chalega, nahin chalega*' (In one country, two constitutions, two flags and two chiefs will not work; will not be tolerated). The Parishad's *prabhat pheris* (early-morning neighbourhood processions) and the

RSS *shakhas* (branches) demanded, '*Abdullah hakumat khatam karo*' (Terminate Abdullah's rule) and '*Jammu alag karo*' (Separate Jammu). The urban population of Jammu city, specially students, was effectively mobilized. In the first major demonstration in February 1952, students of Gandhi Memorial College protested against the hoisting of the National Conference party flag. Prominent leaders of the Parishad were arrested and released only at the intervention of the central minister, Gopalaswamy Ayyangar.³⁵ The movement failed to acquire a mass character owing to its limited social base, specially in the rural areas. The Parishad's identification with the Hindu landlords, *jagirdars* and *sahukars* (moneylenders) who had enjoyed a privileged position under the Maharaja's rule delivered a body blow to its social and political appeal.

Sheikh Abdullah dismissed the agitation as a reactionary and communal revolt by a handful of feudal landlords and parasitic classes that opposed the agrarian reforms for having removed the social bases of their power.³⁶ Speaking on Independence Day in 1949, the Sheikh referred to the 'ridiculous demand' of the communal elements of Jammu: 'In view of the bitter lessons of the Partition of India, how can we concede the demand of *Dugger Desh*? It disgraces the principles for the defence of which [the] Indian army is present here and on the basis of which India's new order is being built. Anyhow, in that case, our fight against Pakistan will be meaningless.'³⁷

Nehru appreciated the legitimate grievances of the Jammu people but he castigated the Praja Parishad movement. He was convinced that 'the narrow communal approach would bring disaster in train not only for Jammu & Kashmir state but also to the larger interests of India'.³⁸ Varshney puts it aptly:

. . . the complexity required a quick resolution in black and white but Abdullah kept dealing in greys. The more irritated he became with the demand for a black-and-white resolution in Jammu, the greater the doubts about the ultimate truth of Abdullah. Conversely, the more the Praja Parishad intensified its agitation, the more strident Abdullah's position became on accession to India.³⁹

Ladakh: Demand for Direct Administration

Buddhist-majority Ladakh was equally unhappy and insecure about the transfer of power from the Maharaja to a Kashmiri administration. Shi'ite Muslims dominated the Kargil *tehsil* of Ladakh, originally part of Baltistan, but the Buddhist majority was anxious to protect its

distinct religion and culture. Buddhists did not identify themselves with the Kashmiris and were alienated by the iniquitous power structure and partisan policies of the Sheikh's government.

The Muslim refugees in the Valley had received substantial state aid, but no resources were sanctioned for rehabilitating the Buddhist refugees of the Zaskar area, nor was any financial aid granted for reconstructing and restoring the *gompas*, Buddhist temples which were the life and soul of the Buddhist religion and culture. The small relief provided by the Government of India never reached Zaskar; it was distributed among the Muslims of Suru Karste area in Kargil *tehsil*.⁴⁰ The studied indifference of the state government in transferring Zaskar to Leh *tehsil* was in marked contrast to the way Doda was readily carved out as a separate Muslim-majority district in the Jammu region. The land reforms were perceived as targeting the *gompas* and elicited strong criticism from the Buddhist clergy. Prime Minister Nehru had to intervene to persuade the state government to suspend the application of this Act to the *gompas*.

The decision of the Abdullah government to impose Urdu in Ladakhi schools and to discontinue scholarships for children of backward areas and grants-in-aid for three primary schools run by Shias, Sunnis and Buddhists provided by the Dogra regime was strongly resented. No allocation was made in the first budget for Ladakh's development. Kushak Bakula protested in the state assembly: 'Read the Budget statement from one end to the other, you will not find Ladakh mentioned even once.'⁴¹ In fact, there was no separate plan for Ladakh till 1961. Finally Maulana Masoodi's statements regarding the communal composition of Ladakh being a Muslim-majority district created grave misgivings that the government planned to officially relegate the Buddhists to a minority.⁴²

The biased and discriminatory policies of the Kashmiri leadership provided an impetus for the politicization of the Ladakhi Buddhists. Being a minority community in the state, they needed to take an independent decision about their political future. Ladakhi Buddhists were projected as a 'separate nation by all the tests—race, language, religion and culture—determining a nationality'.⁴³ They emphasized historical links with the Dogras of Jammu rather than with the Kashmiri Muslims. Two sets of arguments were offered. Since Sheikh Abdullah's case rested upon the Treaty of Amritsar, the Maharaja's transfer of power was valid for Kashmir Valley alone, as Ladakh's relationship with the Dogras was governed by a separate treaty resulting from the War of 1834, 12 years before the Amritsar Treaty

came into force in which the Valley did not figure. Second, the arrangements which subjected the Ladakhis to the Dogras had ceased to be operative, like the Treaty of Amritsar, breaking the constitutional link tying the Ladakhis to the state and they were morally and juridically free to choose their course independent of the rest of the state.⁴⁴

A memorandum submitted to Prime Minister Nehru on 4 May 1949 by Cheewang Rigzin, President, Ladakh Buddhist Association (LBA), pleaded that Ladakh not be bound by the decision of a plebiscite should the Muslim majority of the state decide in favour of Pakistan.⁴⁵ They sought to be governed directly by the Government of India, or to be amalgamated with the Hindu-majority parts of Jammu to form a separate province, or join East Punjab. Failing all options, they would be forced to consider the option of reuniting with Tibet. The strategic and commercial importance of neighbouring Tibet and China with Leh being the nerve centre of the Central Asian trade was underlined. Empathizing with the Ladakhis, Sadar-i-Riyasat Dr Karan Singh acknowledged that

even more so than in Jammu, the Ladakhis were feeling uneasy and insecure under the Sheikh's administration. Forming as they did a distinct cultural entity, they felt that their position in the new dispensation with only two members in the State Assembly (on the basis of population), was extremely precarious and made them totally subordinate to the Kashmiris. They urged that instead of leaving them at the mercy of the Sheikh's government, an Administrator should be sent from the Centre to the Region.⁴⁶

The National Conference government accepted the demand for a central administrator, but never implemented it. Nehru shared Ladakhi concerns but persuaded the Ladakhi Buddhist delegation not to press its demands because any constitutional or administrative action might weaken India's stand on Kashmir in the UN Security Council.

Voices for Internal Autonomy

The National Conference members in Jammu and Ladakh sought internal autonomy from Kashmir Valley. Balraj Puri in Jammu submitted an individual memorandum to Nehru in 1950 demanding internal autonomy and devolution of powers to smaller regions. The Praja Parishad agreed to withdraw the movement provided the principle of autonomy was applied to Jammu and Ladakh.⁴⁷

Kushak Bakula sought federal status for Ladakh in 1952.⁴⁸ The Ladakh unit of the National Conference called for the institution of an elected statutory advisory committee for Ladakh whereby no measures affecting the political, economic or religious life of Leh *tehsil* would be passed by the Constituent Assembly without prior approval. The main demands of Ladakhis included the formation of a Ministry of Ladakh Affairs headed by a popularly elected Ladakhi member of the Legislative Assembly; adequate representation in the legislature and civil service; establishing Panchayat and Rural Development Departments; development funds for constructing roads and canals and promoting agriculture and horticulture; and replacement of Kashmiri police by local personnel. They wanted Bodhi, the mother tongue of the Ladakhis, to be made the medium of instruction for school education, and special provisions made for facilitating higher education and training in medicine, law, engineering, agriculture and forestry.⁴⁹ Kushak Bakula argued that Ladakh would bear essentially the same relationship to Jammu & Kashmir state as Kashmir to India, with the local legislature being the only competent authority to make laws for Ladakh.

Initially Sheikh Abdullah and Nehru agreed to the state constitution granting limited regional autonomy to Jammu and Ladakh. The Basic Principles Committee of the Constituent Assembly was entrusted with this task and a plan was prepared to establish five autonomous regions: Kashmir Valley, Jammu, Gilgit, Ladakh and a region comprising the districts of Mirpur, Rajouri, Poonch and Muzaffarabad. Three provinces, namely, Kashmir Valley, Jammu and Poonch-Mirpur-Rajouri would each have an executive head and council of ministers responsible to the provincial legislature. The regional councils would administer Ladakh and Gilgit. State legislatures would be empowered for altering the area of these autonomous units and establishing new units.⁵⁰ However, the plan was soon abandoned. Jammu and Ladakh were not even taken into confidence in negotiating the Delhi Agreement.

After he became head of the government of Jammu & Kashmir, Sheikh Abdullah was not prepared to concede to Jammu and Ladakh those very rights and privileges which he himself had demanded from the Indian State. In the context of the Indian State's relationship with Jammu & Kashmir, the Sheikh had argued:

Enlightened opinion in India recognized the vital human urges of Kashmiris and . . . afforded them opportunities of achieving their political and social objectives. This mutual accommodation of each other's viewpoint, which

has been accorded constitutional sanction, should not be interpreted as a desire for separatism. After all in a democratic country, the ultimate factor which decided the relationship between various units is the measure of willingness of each of these parts to come closer to each other for the common good of all. *History has taught us that false notions of uniformity and conformity have often led to disastrous consequences in the lives of many nations.*⁵¹ (emphasis added)

But when the leadership in Jammu and Ladakh argued that their status as a federating unit of Jammu & Kashmir state would be a healthy unifying force among different peoples of the state, the Sheikh backtracked. The structural problem remained rooted in the kind of nation state created at the national and state levels which sought subordination of all sub-national and subregional identities to the Indian nation and Kashmiri identity respectively. Eventually, this would cause a rupture between Kashmir and the Indian State on one hand, and between Jammu and Ladakh and Jammu & Kashmir state, on the other.

RUPTURE BETWEEN KASHMIR AND THE INDIAN STATE

In order to understand the disillusionment of then Kashmiris' with the Indian State, it is important to examine why they had joined India. As noted earlier, in 1947 Jammu & Kashmir state had three options to decide its political future—accede to India, to Pakistan, or become independent. Maharaja Hari Singh and Sheikh Abdullah had preferred independence, albeit for different reasons. This option was, however, foreclosed by the raiders' attack. Between the two Dominions, the nature of the Pakistani State and the Indian State, and their compatibility with the vision of Naya Kashmir clinched the National Conference decision to accede to India. Sheikh Abdullah's opening speech to the Jammu & Kashmir Constituent Assembly makes the point.

The real character of a State is revealed in its Constitution. *The Indian Constitution has set before the country the goal of secular democracy based upon justice, freedom and equality for all without distinction. . . .* This should meet the argument that Muslims of Kashmir cannot have security in India where the large majority of [the] population is Hindus. Any unnatural cleavage between religious groups is the legacy of imperialism, and no modern State can afford to encourage artificial divisions if it is to achieve progress and prosperity. *The Indian Constitution has finally repudiated the concept of a religious State, which is a*

throwback to medievalism, by guaranteeing the equality of rights of all citizens irrespective of their religion, colour, caste, and class. . . . In the final analysis, as I understand it, it is the kinship of ideals, which determines the strength of ties between two States. The Indian National Congress has consistently supported the cause of the states peoples' freedom. The autocratic rule of the Princes has been done away with and representative governments have been entrusted with the administration. Steps towards democratization have been taken and these have raised the people's standard of living, brought about much needed social reconstruction, and above all, built up their very independence of spirit. Naturally if we accede to India there is no danger of a revivalism or feudalism and autocracy. Moreover, during the last four years, *the Government of India has never tried to interfere in our internal autonomy. This experience has strengthened our confidence in them as a democratic State. . . . The national movement in our State naturally gravitates towards these principles of secular democracy.*

[On accession to Pakistan]. . . . The most powerful argument, which can be advanced in her favour, is that Pakistan is a Muslim State, and a big majority of our people being Muslims, the State must accede to Pakistan. This claim of being a Muslim State is of course only a camouflage. It is a screen to dupe the common man, so that they [sic] may not see clearly that *Pakistan is a feudal State, in which a clique is trying to maintain itself in power. . . . Religious affinities alone do not and should not normally determine the political alliances of the States. . . .* We have to take into account the reactionary character of her politics and State policies. In Pakistan, the lot of State's subjects has not changed and they are still helpless and under the heel of their rulers who wield the same unbridled power under which we used to suffer here. *This clearly runs counter to our own aspirations for freedom.* Another big obstacle . . . is the lack of a constitution in Pakistan. . . . It is reasonable to argue that Pakistan cannot have the confidence of a freedom-loving and democratic people when it has failed to guarantee even fundamental rights of its citizens. The right of self-determination for nationalities is being consistently denied [there] and those who fought against imperialism for this just right are being suppressed with force. . . .⁵² (emphasis added)

Evidently the National Conference leadership believed that Kashmir's political autonomy would be better protected in a secular and democratic Indian State. Within the Indian Union, the Sheikh stressed the limited central jurisdiction stipulated under the Instrument of Accession, and demanded maximum political autonomy for Jammu & Kashmir. The relationship between Kashmir and the Indian State remained good as long as the former's expectations of an autonomous status were met. But fissures started appearing soon after the plebiscite option was dropped and the state was declared to be an integral part of India. The Indian State

sought closer federal integration of Kashmir, a position not acceptable to the Kashmiri leadership. The Praja Parishad agitation demanding complete merger of the state compounded the situation. The Sheikh warned that it would not only weaken accession, but also cause suspicion among Kashmiri Muslims that 'Hindu India intended to swallow up Kashmir'. In a speech at Ranbirsingpura on 10 April 1952, Sheikh Abdullah referred to the 'unrealistic, childish and insane' arguments for full application of the Union Constitution to the state.

No one can deny that the communal spirit still exists in India. Many Kashmiris are apprehensive as to what will happen to them and their position if, for instance, something happens to Pandit Nehru. . . . If a special status for Kashmir was not granted in the Indian Constitution, how can we convince the Muslims in Kashmir that India does not interfere in the internal affairs of Kashmir? . . . If our right to shape our destiny is challenged and . . . if there is a resurgence of communalism in India, how are we to convince the Muslims of Kashmir that India does not intend to swallow them up . . . such developments might lead to a break in the accession of Kashmir to India.⁵³

The Parishad agitation, said Sheikh Abdullah later, 'literally poured cold water on the efforts of the National Conference to rally Muslim support for India all these years'.⁵⁴

Differing Expectations

The conflict between Kashmir and the Indian State was rooted in differing expectations. The Indian State viewed Jammu & Kashmir state as a part of India and Kashmiris as a subset of the Indian nation. Notwithstanding special measures to accommodate Kashmiri political aspirations, Nehru was bound by the logic that the Kashmiri identity, like all sub-national identities—Bengali, Tamil, Punjabi—must be integrated in the Indian nation. On the other hand, Kashmiri leadership had expected to attain special autonomy and aimed for a co-equal position with the Indian identity. Sheikh Abdullah interpreted the Instrument of Accession literally and described the Delhi Agreement as a 'division of sovereignty whereby the state would retain complete internal sovereignty'. He claimed that 'under the provisions of international agreement, we can sever our relations with India even today, if we wish to do so. This right is given to our state and not to others'.⁵⁵

The National Conference perceived the central government pressure for closer federal integration of Kashmir as encroachment

upon their political autonomy. On the question of land reforms, the central and the state governments pulled in different directions. The Sheikh complained that 'instead of treating us as comrades', Indian leaders 'tried to dominate us and interfered in our internal affairs'. He charged the central government of bias against recruiting Muslims in federal services such as the posts and telegraph and in inducting them into the army.⁵⁶

Abdullah blamed the Praja Parishad movement of having 'shaken the foundation of Indo-Kashmir relationship',⁵⁷ and felt that as long as their demand persisted the sword would hang over the *basic relationship between India and Kashmir*. The Delhi Agreement was described as transitory and temporary. At a Working Committee meeting of the National Conference in May 1953, the Sheikh opposed the continuation of Indo-Kashmir relations on the current basis and objected to financial integration and acceptance of the jurisdiction of the Indian Supreme Court as provided by the Delhi Agreement. The point to note is that the Sheikh's terminology of 'Indo-Kashmir relationship' placed India and Kashmir on an equal footing—a thesis not acceptable to the Indian leadership.

Exploring the Independence Option

When Sheikh Abdullah felt that Kashmiri political aspirations as articulated by the National Conference could not be met within the Indian Union, he started exploring the idea of an independent Kashmir. This entailed fundamental changes in the nature of the Kashmiri identity and its relationship with the Indian State. The boundaries of the Kashmiri identity had become confined to the Kashmiri-speaking people of the Valley, specially Kashmiri Muslims, and did not even claim to represent the political interests of Jammu and Ladakh. The Sheikh argued that Jammu and Ladakh, if they so desired, could merge with the Indian Union leaving Kashmir Valley alone to assert its independent identity. Subsequently, the two diverged dramatically—the Valley demanded Jammu & Kashmir's secession from the Indian State while Jammu and Ladakh insisted upon complete merger. Significantly, the Sheikh began differentiating between the 'Muslims and non-Muslims of the state' for the first time since 1947. He argued:

It is the Muslims who have to decide accession with India and not the non-Muslims as the latter have no place in Pakistan and because their only choice is India. . . . *My main concern and effort has not been to convince the Hindus and*

Sikhs that their future lay in India but the Muslims who form the majority. It was Muslims who were forced to ponder whether they could rely on the Indian promises and stay within the Indian Union.⁵⁸ (emphasis added)

He admitted that the National Conference had lost its hold on Kashmiri Muslims as their minds had 'moved from fear to frustration and from frustration to disillusionment'. The Muslim middle class realized that while accession to India had opened the doors of progress to Hindus and Sikhs, Muslims had become like the proverbial frog in the well.⁵⁹ Sheikh Abdullah's conception of the Kashmiri identity had gradually changed from demanding self-determination for 'the people of Jammu & Kashmir state' to 'Kashmiris' and by 1953, to mainly the 'Kashmiri Muslims'. The Indian State and the communal forces such as the Praja Parishad were identified as the new opponents.

This was reflected in Abdullah's reluctance to fully implement the Delhi Agreement. He did not give directions to the Drafting Committee of the Constituent Assembly for incorporating the stipulations of the Delhi Agreement in draft proposals. He also sent several drafts prepared by close associates to the Drafting Committee mostly underlining the repudiation of the Delhi Agreement, total exclusion of Jammu & Kashmir from the political and constitutional organization of India, and reformulation of the constitutional relationship between the state and the Indian Union in terms of a bilateral political commitment between the interim government and the Government of India which would not be subject to any instrumentality created by the Indian Constitution. Ghulam Mohammad Bakshi's comments were revealing: 'They would set India ablaze because the Indian people would clearly see that Kashmir wanted to leave India.'⁶⁰

Sheikh Abdullah's reluctance to honour commitments made in the Delhi Agreement were interpreted as a sign of bad faith by the central leadership. Earlier, the Delhi Agreement of May 1949 had been repudiated by the National Conference Working Committee and considerably diluted in the form of Article 370. They suspected that the Sheikh would again implement select provisions of the Agreement and ignore or repudiate others. Even Nehru was beginning to entertain doubts about Sheikh Abdullah's sincerity and ultimate objectives. He wrote to the Sheikh on 28 June 1952.

To me it has been a major surprise that a settlement arrived at between us should be by-passed or repudiated, regardless of the merits. That strikes at the root of confidence, personal or international. . . . My honour is bound up

with my word. . . . It is always painful to part company after long years of comradeship, but if our conscience so tells us, or in our view an overriding national interest requires, then there is no help for it.⁶¹

Sheikh Abdullah responded with further equivocation on the question of accession. In March 1952, he stated, 'neither the Indian parliament nor any other parliament has any jurisdiction over our State', and envisaged Kashmir as a bridge between India and Pakistan which 'can again be reunited and become one country'. Yet two days later, he said that he considered Kashmir's ties with India as 'irrevocable and no force on earth can rend us asunder'. Back to warning the Indian government, he declared that 'the existence of Kashmir did not depend on Indian money, trade or defence forces' and he did not expect any strings to be attached to the Indian aid—'Threats and taunts would not intimidate him into servile submission.'⁶²

That Sheikh Abdullah's focus shifted from the *limited* nature of the central jurisdiction under the constitution of Jammu & Kashmir to its *provisional* and *conditional* nature can be seen when he insisted that 'though the accession of Kashmir to India is complete in all aspects, it is *conditional and temporary* in the sense that the people of the State have to ratify it'. Therefore, '*it is not final*'. Nehru's promise of holding a plebiscite was used to shore up the campaign for independence. A *third alternative* was put forward because United Nations resolutions only allowed two options—accession to India, or Pakistan. In July 1953, the plan for an independent Kashmir was made public. A Sheikh Abdullah-led committee recommended four alternative proposals 'for an honourable and peaceful solution of the Kashmir dispute between India and Pakistan' to Jawaharlal Nehru. The emphasis on the independence option in all the proposals is noteworthy. The proposals were:

1. Overall plebiscite (including choice for *independence*).
2. *Independence* of the whole state.
3. *Independence* of the whole state with joint control by India and Pakistan of foreign affairs.
4. Dixon Plan with *independence* for the plebiscite area.

Significantly, the scheme did not even mention the alternative of joining India, although for the preceding five years the National Conference had been arguing that Kashmir's accession to India was complete.

Search for Allies

The Kashmiri group identity was too small and inadequate to take on the might of the Indian State. From 1948 to 1952, the Sheikh had rejected the independence option as not feasible mainly because it lacked 'powerful guarantors',⁶³ a lacuna he now sought to rectify. His attitude softened towards Pakistan. He stressed that Kashmir's prosperity depended on trade with both India and Pakistan and that Kashmir had cultural relations with west (Pakistani) as well as east (Indian) Punjab. As long as Pakistan opposed Kashmir's accession to India, it was perceived as a partial ally of Kashmir Valley vis-à-vis New Delhi. More significantly, the Sheikh sought international support from the US and UK for an independent Kashmir. He had met Warren Austin, the US representative to the United Nations in 1948, who wrote:

It is possible that the principal purpose of Abdullah's visit was to make it clear to [the] US that there is a *third alternative, namely independence*. He seems overly anxious to get this point across. . . . He did not want his people torn by dissension between Pakistan and India. *It would be much better if Kashmir were independent and could seek American and British aid for development of the country.*⁶⁴ (emphasis added)

The declassified documents of the US State Department confirm this point, particularly the telegram of Roy Henderson, US Ambassador in Delhi to the US Secretary of State on 29 September 1950 in which he said:

When I asked Abdullah if he thought Kashmir could remain a stable independent country without [the] friendly support [of] India and Pakistan, he replied [in the] negative. In his opinion Kashmir could exist only in case both these countries had friendly relations with each other and in case US through United Nations . . . would enable it, by investments or other economic assistance.⁶⁵

Sheikh Abdullah's efforts to seek support from the US and UK for an independent Kashmir clashed with Nehru's foreign policy of keeping South Asia, specially India, outside the purview of Cold War politics. Nehru had burnt his fingers by internationalizing the Kashmir issue in referring to the United Nations, which was itself plagued by the bipolar politics of the two superpowers. He was highly suspicious of Washington's moves to secure bases against the Soviet Union and later China at strategic points near the Soviet border. At the same time, he was worried about penetration of Soviet ideology and funds in India. Kashmir's independence was, therefore, the worst option

for India. During his visit to Srinagar in May 1953, Nehru ruled out the possibility of an independent Kashmir, condemning it as an extremely dangerous proposition. He told the Sheikh that he 'would rather give Kashmir to Pakistan on a platter than allow international intrigue to dangle Kashmir over the heads of India and Pakistan like a sword of Damocles'.⁶⁶

The Clash

Sheikh Abdullah's demand for an independent Kashmir brought Kashmiris in collision with the Indian State. So far their disagreements were basically about the *primacy* of the Indian identity over the Kashmiri identity and the degree of Kashmir's political autonomy in the Indian State but the demand for a sovereign space outside the Indian State challenged its very sovereignty and territorial integrity. Kashmir had also become a test case of Indian secularism. Indian leaders never accepted the two-nation theory, and Muslim-majority Kashmir's refusal to join Pakistan had undoubtedly strengthened India's secular credentials. Once Kashmir became a part of India, however provisionally, it could not break away without questioning the secular rationale of the Indian State both from within and without. The Sheikh's secessionist demands threatened to 'empower Hindu nationalism . . . for it legitimized its main argument: that Muslims are essentially disloyal to the country'.⁶⁷

Sheikh Abdullah recognized the link between Kashmir's accession to India and Indian secularism. While recommending ratification of accession to Kashmir's Constituent Assembly, he had argued:

Certain tendencies have been asserting themselves in India, which may in the future convert it into a religious state wherein the interests of Muslims will be jeopardized. This would happen if a communal organization had a dominant hand in the Government, and Congress ideals of the equality of all communities were made to give way to religious tolerance. *The continued accession of Kashmir to India should, however, help in defeating this tendency.* From my experience of the last four years, it is my considered judgement that the presence of Kashmir in the Union of India has been the major factor in stabilizing relations between the Hindus and Muslims of India.⁶⁸ (emphasis added)

Having seen this link, however, Sheikh Abdullah developed some apprehensions and dithered. Should Hindu nationalists triumph in the struggle for power in Delhi, he wondered whether Kashmir would be secure in India. Varshney captures the paradox succinctly.

'Abdullah was not sure of the longevity of secularism; his unequivocal faith was, however, required for imparting longevity to secularism'.⁶⁹ Kashmir had become a hostage to the secular base of the Indian State. It would not be allowed to secede. On 8 August 1953, Sheikh Abdullah was dismissed and arrested. The Indian State's rupture with the Kashmiris was complete.

SCHISM BETWEEN THE VALLEY, AND JAMMU AND LADAKH

In a parallel and somewhat mutually influencing process, Jammu and Ladakh regions sought to break away from a Kashmiri state. The Valley's iron sway over constitutional, political and administrative institutions had created a political vacuum in Jammu and Ladakh. The people in these regions did not identify themselves with the Kashmiri identity nor shared the state's vision in terms of internal power-sharing structures and relationship with the Indian State. They were not reconciled to living under what was perceived as Kashmiri rule. Kashmir's demand for independence met with stiff resistance from Jammu and Ladakh. An independent Kashmir dominated by the Kashmiri Muslim majority would have little political space for them. Therefore, demanding their right to self-determination, they sought separation from Kashmir Valley and integration with the Indian Union. The Praja Parishad approved the Dixon plan to partition Jammu & Kashmir state through a regional plebiscite. In Ladakh, Kushak Bakula threatened obliquely that the 'longing for a political union with Tibet would become pronounced if Ladakh's entity within India was not respected'.⁷⁰

Kashmir's rupture with the Indian State, and Jammu and Ladakh's repudiation of the Kashmiri state was, however different in one respect. While Kashmir was not allowed to secede because it contested India's sovereignty and territorial integrity, if the Valley's demand for a separate state was conceded, Sheikh Abdullah was prepared to let go off Jammu and Ladakh. He declared, 'if the people sincerely desire to separate and establish a separate *Dogra Desh*, I would say with full authority *on behalf of the Kashmiris* that they would not at all mind this separation'.⁷¹ In practice, however, the National Conference government did not keep the promise for devolution of powers to the regions and suppressed the Praja Parishad agitation by force. Matters came to a head with the arrest and detention of Dr Syama Prasad Mookerjee under the Public Security Act of the state. His death in

custody raised a furore in Jammu. Although Nehru and Mookerjee were political adversaries, his death sharpened political differences between Nehru and Abdullah, triggering his dismissal and arrest in 1953. This was celebrated in Jammu. The internal divisions in the state were sharp and clear.

CAUSES OF FAILURE

The conflict between a group identity and state, both at the national and state levels, was clearly won by the latter. Kashmiris did not achieve an independent Kashmir; Jammu and Ladakh attained neither internal political autonomy from the Valley nor a complete merger in the Indian Union. Why did they fail?

The limited and fragmented edifice of the Kashmiri identity was the most critical reason for this failure. The plurality of society in Jammu & Kashmir exposed internal contradictions in the thesis of the Kashmiris. Sheikh Abdullah could not demand political autonomy for Kashmir from the Indian State, yet not allow Jammu and Ladakh to demand the same. If he argued that self-determination was the inherent right of all peoples and demanded it for Kashmiris, he could not justify denying the same to the people in Jammu and Ladakh. But that was self-defeating because the demand of Jammu and Ladakh for full and unconditional accession to India acted as a countervailing force to the Valley's demand for independence. The Sheikh had forgotten the lesson of the political struggle of Kashmiris in the 1930s, that a group identity must be large and powerful to challenge the state. When the Muslim Conference leaders realized that the Kashmiri Muslims alone could not take on the Dogra state backed by the colonial power, the boundaries were expanded by including all 'state-subjects' in forging a new secular political formation. In the 1950s, Abdullah was working in the reverse direction. Jammu and Ladakh comprised 47 per cent of the state's population; their exclusion from the Kashmiri group identity had not only caused fragmentation but also debilitated collective strength for challenging the hegemony of the Indian nation and the political dominance of the Indian State.

Even Kashmiri Muslims were no longer a cohesive political force. The National Conference party and government were divided deeply on the issue of accession. The National Conference Working Committee had split into two factions. One group, led by Mirza Afzal Beg and backed by Sheikh Abdullah, insisted on the constitutional

relationship with India not going beyond the Instrument of Accession. The second group, led by Bakshi Ghulam Mohammad and including G.L. Dogra, D.P. Dhar and Ghulam Mohammad Sadiq, preferred a more comprehensive relationship with the Indian Union.⁷² By mid-1953, the rift within the National Conference became public. The Sheikh asserted that 'Kashmir's initial accession to India was forced on her because of India's refusal to give any help without the State's accession.'⁷³ Bakshi, on the other hand, declared that 'Kashmiris would defend at the cost of their lives the State's accession to India and a special position granted to Jammu & Kashmir in the Indian Constitution.'⁷⁴ During Nehru's visit to Srinagar in May 1953, Bakshi and Sadiq apprised him of internal differences among the National Conference leaders on basic constitutional issues, and that they favoured an integral relationship with the Indian Union and suitable readjustment in centre-state relations.

The Communist Party of India and Communists within the National Conference also turned against the Sheikh. With the improvement of Indo-Soviet relations and reported American support for Kashmir's independence, their stand changed from supporting the 'right of self-determination of the national minorities' to the idea of 'the indissolubility of the Indian State'. The Sheikh's popularity among the masses in the Valley had suffered a setback. Corruption in the government administration and distribution of lands coupled with a shortage of resources had discounted the value of the land reforms. Compulsory procurement of food grains was resented and cooperatives had become a symbol of tyranny for the peasantry. Abdullah's opposition to financial integration with India caused economic hardship to the poor masses owing to lack of resources within the state. The Sheikh was the most popular leader but he no longer enjoyed an undisputed and unchallenged position. His stance on the state's relationship with India was virtually disowned by three out of four members of the cabinet (excluding him). A number of alternative power centres were emerging which opposed his position on the accession to India and an independent Kashmir.

The Sheikh's strategy of seeking international support from the great powers proved to be counterproductive. Abdullah had tried 'to convince both the Americans and the Communists that he was playing their game'.⁷⁵ He failed to understand that Kashmir was merely a pawn in the superpowers' global game of Cold War and

that he was being used as bait to enlist India's and Pakistan's support for the respective power blocs. The Sheikh did not realize that the support of one superpower for an independent Kashmir would be checkmated by the other. In the end, an impoverished and fragmented Kashmiri group identity without any meaningful external support was simply no match for the might of the Indian State. Significantly, Kashmiris throughout had waged their struggle through political and constitutional means. There was no violence, except statewide demonstrations and protests that followed Sheikh Abdullah's incarceration.

The stories of Jammu's and Ladakh's failures vis-à-vis Jammu & Kashmir state were not very different. The Praja Parishad movement failed to mobilize the masses, and Balraj Puri seeking internal autonomy was a lone voice. The demand of Ladakhi Buddhists for direct central administration, and later internal autonomy, was not supported by nearly half of Ladakh's population comprising Shi'ite Muslims of Kargil *tehsil*. They did not achieve their respective goals of regional autonomy from the Valley and complete and unconditional merger with India. Their efforts simply died down after Sheikh Abdullah's arrest.

NOTES

1. Mohit Bhattacharya, 'The Mind of Founding Fathers', in *Federalism in India: Origins and Development*, Nirmal Mukerji and Balveer Arora (eds.), New Delhi: Vikas Publishers, 1992, p. 96.
2. Mukerji and Arora, 'The Basic Issues', *ibid.*, p. 9.
3. See Appendix I.
4. According to Shankar, Patel was content to 'leave the decision to the Ruler [and] if the Ruler felt his and his State's interest lay in accession to Pakistan, he would not stand in his way'. As cited in Rajmohan Gandhi, *Patel: A Life*, Ahmedabad: Navjivan Publishers, 1990, p. 434. He also quotes Patel's letter written on 13 September 1947 that 'if [Kashmir] decides to join the other Dominion', he would accept the fact. But later Patel felt 'if Jinnah could take hold of a Hindu-majority State with a Muslim ruler, why should the Sardar be not interested in a Muslim-majority State with a Hindu ruler?' (p. 439).
5. As cited in Ajit Bhattacharjee, *Kashmir: The Wounded Valley*, New Delhi: UBSPD Publishers, 1994, p. 192.
6. As cited in Karan Singh, *Autobiography*, New Delhi: Oxford University Press, 1994, p. 83.
7. As cited in Sisir Gupta, *Kashmir: A Study in India-Pakistan Relations*, New Delhi: Asia Publishing House, 1966, p. 381.

8. See Appendix II.
9. Nehru's speech in Parliament, 17 September 1953, as cited in Ashutosh Varshney, 'Three Compromised Nationalisms: Why Kashmir Has Been a Problem', in *Perspectives on Kashmir: The Roots of Conflict in South Asia*, Raju G.C. Thomas (ed.), Boulder, Col.: Westview Press, 1992, p. 202.
10. Sheikh Abdullah's speech in the Security Council as cited in Varshney, *ibid.*, p. 201.
11. As cited in Gautam Navlakha, 'Invoking Union: Kashmir and Official Nationalism of Bharat', in *Region, Religion, Caste, Gender and Culture in Contemporary India*, T.V. Sathyamurthy (ed.), New Delhi: Oxford University Press, 1996, p. 75.
12. Varshney in Thomas, *op. cit.*, p. 197.
13. *Ibid.*
14. In an interview to Michael Brecher as cited in S. Gopal, *Nehru: An Anthology*, Oxford: Oxford University Press, 1980, p. 217.
15. When Maharaja Hari Singh was reluctant to transfer the administrative control of the Jammu & Kashmir State Army to the Indian Army, Sheikh Abdullah insisted that their separate identity should cease and they should be entirely taken over by the Indian Army. But after the Maharaja was removed, Abdullah claimed that 'when the present emergency is over and the Indian forces are withdrawn, the state will be left with a army of its own to fall back upon'. See Karan Singh, *op. cit.*, p. 84; and Bhattacharjee, *op. cit.*, p. 177.
16. Teng describes the Sheikh's position as the doctrine of 'double charge' which had two serious implications: (a) the claim that the Constituent Assembly possessed the right to determine the finality of accession of the state, which virtually amounted to the repudiation of the accession of the state to India; and (b) the Constituent Assembly was independent of the Constitution of India and exercised inherent powers, which it did not derive from the Constitution of India, reducing the latter to a secondary position. Mohan Krishan Teng, *Kashmir: Article 370*, New Delhi: Anmol Publishers, 1990, p. 96.
17. As cited by Navlakha in Sathyamurthy, *op. cit.*, p. 78.
18. *Ibid.*
19. As cited in Sisir Gupta, *op. cit.*, p. 380.
20. As cited by Navlakha in Sathyamurthy, *op. cit.*, p. 79.
21. Sheikh Abdullah as cited in Sisir Gupta, *op. cit.*, p. 381.
22. Reeta Chowdhary Tremblay, 'Jammu: Autonomy Within an Autonomous Kashmir?' in Thomas, *op. cit.*, p. 156.
23. Balraj Puri, 'Jammu & Kashmir', in *State Politics in India*, Myron Weiner (ed.), Princeton: Princeton University Press, 1968, p. 219. Korbelt remarked that 'no dictator could do it better'. Joseph Korbelt, *Danger in Kashmir*, Princeton: Princeton University Press, 1966, p. 222.
24. Balbir Singh, *State Politics in India*, New Delhi: Macmillan Publishers, 1980, p. 63.
25. Tremblay in Thomas, *op. cit.*, p. 155.
26. Korbelt corroborates that 'although considerable progress had been achieved by the local government, in reality, it was the National Conference organization which decided everything such as who was going to be elected from what office, who would get a job, who would get the supplies which it alone distributed'. Korbelt, *op. cit.*, p. 208. Puri points out that people's committees, including the government officials and office bearers of the National Conference, were set up

- at *tehsil* and district level in July 1948. Balraj Puri, *Jammu & Kashmir: Triumph and Tragedy of Indian Federalization*, New Delhi: Sterling Publishers, 1981, p. 95.
27. Puri points out that communal considerations have officially been a part of the recruitment of government employees ever since the Glancy Commission, appointed after the mass Muslim upsurge of 1931, recommended that 'due regard should be paid to the legitimate interests of every community in the matter of recruitment to government services and the grant of scholarship for training'. Balraj Puri, *Simmering Volcano: Study of Jammu's Relations with Kashmir*, New Delhi: Sterling Publishers, 1983, p. 81.
 28. Balraj Madhok, *Jammu, Kashmir and Ladakh: Problem and Solution*, New Delhi: Reliance Publishers, 1987, pp. 29-30.
 29. Sisir Gupta, op. cit., p. 378.
 30. A Praja Parishad pamphlet, as cited by Sheikh Abdullah in his letter to Dr Syama Prasad Mookerjee dated 4 February 1953.
 31. Karan Singh, op. cit., p. 133.
 32. Tremblay in Thomas, op. cit., p. 160.
 33. As cited by Varshney in Thomas, op. cit., p. 213. This debate was carried out between three eminent political leaders, Sheikh Abdullah, Pandit Nehru and Syama Prasad Mookerjee, through correspondence. It has been published as a document—*Integrate Kashmir: The Mookerjee-Nehru-Abdullah Correspondence*, Lucknow: Bharat Press, n.d.
 34. Mookerjee's letter to Abdullah dated 13 February 1953, *ibid.*, p. 77.
 35. Balraj Puri notes that in 1948, Pandit Prem Nath Dogra was released after a minor agitation and other Praja Parishad leaders were released not in response to the plea of the local National Conference leaders but at the behest of the Jan Sangh leader, Mauli Chandar Sharma. He argues that all these arrests were made without any apparent cause, but if the conscious objective of the ruling party was to build up a separate organization of Hindus of Jammu, the pattern of arrests and releases could not have been better planned. Puri (1983), op. cit., p. 27.
 36. It is interesting to take note of the Praja Parishad's stand on land reforms supporting the 'land to the tiller' policy in principle, with some specific changes, including: 'fix the economic unit according to productive capacity of the land; grant full proprietary rights to beneficiaries, exempt lands held by religious institutions and trusts from application of such laws; rehabilitate suitable persons displaced from lands under the scheme; exempt from assessment of revenue all uneconomic holdings; and, same compensation policy to be pursued as in the rest of India'. *Programme: All Jammu & Kashmir*, Praja Parishad, Jammu: n.d.
 37. Balraj Puri, *Jammu: A Clue to Kashmir Tangle*, New Delhi, Printed and Published by Balraj Puri, 1966, p. 79.
 38. Pandit Nehru's letter to Dr Syama Prasad Mookerjee dated 10 February 1953. *Integrate Kashmir*, op. cit., pp. 57-60.
 39. Varshney in Thomas, op. cit., p. 213.
 40. Shridhar Kaul and H.N. Kaul, *Ladakh Through the Ages: Towards a New Identity*, New Delhi: Indus Publishing Company, 1992, p. 183.
 41. *Ibid.*, p. 195.
 42. *Ibid.*, pp. 193-4.
 43. Memorandum submitted by Cheewang Rigzin, President Buddhist Association, Ladakh to the 'Prime Minister of India on behalf of the people of Ladakh'. For full text of the memorandum, see Appendix III.

44. Kushak Bakula as cited in Kaul and Kaul, op. cit., p. 185.
45. Appendix III, op. cit.
46. Karan Singh, op. cit., pp. 140-1.
47. Dr Syama Prasad Mookerjee's letter to Pandit Nehru dated 17 February 1953. *Integrate Kashmir*, op. cit., pp. 88-94.
48. Prem Nath Bazaz, *The History of Struggle for Freedom in Kashmir*, New Delhi: Kashmir Publishing Company, 1954, p. 553.
49. Kaul and Kaul, op. cit., pp. 203-4.
50. Vidya Bhushan, *State Politics and Government: Jammu & Kashmir*, Jammu: Jay Kay Book House, 1985, p. 185.
51. Sheikh Abdullah's letter to Dr Syama Prasad Mookerjee dated 18 February 1953. *Integrate Kashmir*, op. cit., pp. 95-107.
52. For a detailed version of Sheikh Abdullah's speech, see Appendix IV.
53. Puri (1981), op. cit., p. 99.
54. From Sheikh Abdullah's undelivered speech, drafted by him for the Id congregation scheduled for 21 August 1953. The speech could not be delivered because Abdullah was arrested on 9 August. For the text, see Puri, *ibid.*, pp. 225-32.
55. Puri, *ibid.*, p. 116.
56. The Sheikh wrote in his autobiography that at the time of accession, 'there was a tacit agreement under which Kashmiris were to be given representation in the army. But he was shocked to discover that a secret circular had been issued directing the officers not to recruit Muslims in the army'. He quotes Commander-in-Chief of the Indian Army, General K.M. Cariappa, that Muslims of Kargil were not recruited in the army because their loyalty to India was doubtful. Sheikh Abdullah, *Flames of the Chinari*, translated from Urdu by Khushwant Singh, New Delhi: Viking, 1993, pp. 112, 122.
57. Gupta, op. cit., pp. 382-3.
58. The Sheikh's undelivered speech, as cited in Puri (1981), op. cit., p. 231.
59. *Ibid.*
60. Teng, op. cit., p. 118.
61. Bhattacharjea, op. cit., p. 199.
62. As cited in Korbelt, op. cit., p. 206.
63. In the first speech to the Constituent Assembly, Abdullah mentioned the practical consideration of not finding 'powerful guarantors . . . to pull together always in assuring us freedom from aggression'. His careful phrasing of the third option suggested that he was still considering it if international guarantors could be found. Abdullah, op. cit., p. 83.
64. Bhattacharjea, op. cit., p. 181.
65. As cited by Varshney in Thomas, op. cit., p. 205. The US Secretary of State, John Foster Dulles, visited India and Pakistan on 24 May 1953 and reportedly canvassed support for an independent Kashmir. *The New York Times* published a map, showing a plan for the partition of Jammu & Kashmir. The UK also supported this stand, and Prime Minister Attlee declared on 11 November 1953 that 'Kashmir should belong neither to India nor to Pakistan but be independent'.
66. Mir Qasim, *My Life and Times*, New Delhi: Allied Publishers, 1992, p. 61.
67. Varshney in Thomas, op. cit., p. 205.
68. Opening address to the Jammu & Kashmir Constituent Assembly, 5 November 1951. See Appendix IV. Abdullah also wrote in his autobiography, 'Kashmir's

- presence in India had strengthened its secular character.' Sheikh Abdullah, op. cit., p. 121.
69. Varshney in Thomas, op. cit., p. 205. Using the game theory, Varshney explains that this situation would have the structure of an 'Assurance Game'. Abdullah was unsure of what would happen in Delhi; the leadership in Delhi was unsure what Abdullah's strategy was going to be. Both deeply wanted a secular dispensation, but without a guarantee that a secular future would obtain, they lost each other's trust. And a sub-optimal outcome—an unresolved Indian State problem—resulted.
 70. P.S. Verma, *Jammu & Kashmir: At the Political Crossroads*, New Delhi: Vikas Publishers, 1994, p. 42.
 71. Puri (1981), op. cit., p. 100. Jammu leaders of the National Conference differed with the Sheikh on this issue.
 72. Karan Singh, op. cit., pp. 153-4.
 73. This was another dramatic turnabout in the Sheikh's stand that had earlier praised Nehru for not taking advantage of Kashmir's difficult situation at the time of the raiders' attack. See Varshney in Thomas, op. cit., p. 195.
 74. Korbelt, op. cit., p. 239.
 75. Puri (1981), op. cit., p. 111.

CHAPTER 5

Embrace of the Hegemon

With Sheikh Abdullah's dismissal and the installation of Bakshi Ghulam Mohammad in 1953, two alternative conceptions of the Kashmiri identity emerged. Abdullah had viewed Kashmir as a separate nation with a right to be an independent and sovereign state. Bakshi and his political successors perceived Kashmiris as a subset of the Indian nation. Which formulation would win the tussle for power would depend on its ability to fulfil the political aspirations of the Kashmiris, and the nature of the relationship it evolved with the Indian State.

not for Sheikh

BAKSHI'S AUTHORITARIAN REIGN

Bakshi Ghulam Mohammad started in office with the centre's support and the goodwill of the Jammu and Ladakh regions. But would he succeed in gaining popular Kashmiri support for closer federal integration with India? This would depend on the kind of state he created in Jammu & Kashmir.

As it was, Bakshi created a highly centralized and authoritarian state apparatus. Unlike Sheikh Abdullah, Bakshi was not a charismatic leader nor did he enjoy mass support in the Valley. His strategy of creating an alternative support base rested largely on a shrewd and skilful distribution of state patronage. Under Bakshi's regime, the state penetrated all political, economic, administrative and social spheres of society. His government, buttressed by generous central financial aid, undertook numerous development projects—to build roads, hospitals, schools, and to bring electricity to the Valley.¹ Social services expanded radically in scope. Development expenditure rose from Rs 16 million in 1953-4 to Rs 108 million in 1962-3, and

total state expenditure rose from Rs 95 million to Rs 400 million.² In the Valley, 50 per cent of the families and 15 per cent of those in Jammu joined the cooperative movement, the highest in India, because generous state loans were granted through cooperatives. There was considerable economic growth and public sector industries mushroomed. Economic development led to significant expansion of the administrative machinery, making the state the biggest employer of the educated class. Bakshi replaced Abdullah as president of the *Auqaf*, the Muslim religious trust which controlled mosques and shrines in the Valley.

Having extended the reach of the state, Bakshi filled the state institutions with personal political nominees. Appointments to government jobs, promotions and transfers, admissions to educational institutions, grants of licences, quotas, loans and contracts for business were invariably made by him. The bureaucracy was blatantly used as an instrument of politics. The political interests of the Prime Minister, rather than an objective economic policy, guided the state in financing, regularizing and licensing economic activities for planned development of the state. The Cooperative Department, armed with drastic legal powers, was highly politicized and 'functioned as an economic adjunct to the National Conference'.³ Total centralization of the state apparatus in Bakshi's hands allowed enormous scope for corruption. His regime was nicknamed the BBC—Bakshi Brothers Corporation—as a substantial portion of the centre's financial aid was misappropriated by the top layer of the ruling elite comprising civil servants, business contractors and public sector employees.

Bakshi continued Sheikh Abdullah's practice of using the state machinery to strengthen the ruling party and mastered the art of 'managing elections' by rejecting the nomination papers of political opponents, returning unopposed candidates and manipulating the election results to the ruling party's advantage.⁴ Earlier, the parliamentary wing of the party and the general council had replaced Abdullah with Bakshi as leader and president of the party respectively. Those who could not be persuaded to shift allegiance were detained when the government sought a vote of confidence in the state assembly. By appointing his cousin Abdul Rashid as general secretary and nominating close supporters as the office-bearers of the party's grass-roots units, he held iron sway over the National Conference. Bakshi thus created a 'cadre of thousands of persons

who were personally loyal to him',⁵ destroying the sanctity of all political and administrative institutions. Since appointments were made on the basis of patronage, the beneficiaries were not obliged to serve the state but became loyal supporters of Bakshi Ghulam Mohammad.

Stifling Democratic Opposition

Bakshi stifled the growth of opposition parties. He appropriated the anti-Abdullah appeal of the Praja Parishad by revolting against Sheikh Abdullah and divided the Dogra ranks by reviving the caste factor in Jammu's politics through an increased representation of the non-Brāhmins in government and party positions.⁶ Puri observed:

Bakshi was able to demonstrate in the Valley that he was more successful than Sheikh Abdullah in containing the Parishad threat. And in Jammu, he sought to create the impression that he alone could curb the 'anti-national' activities of Abdullah. However, Bakshi had a vested interest in ensuring a minimum strength for the Parishad and for Abdullah so that Bakshi could arouse fears against them in Kashmiris and Dogras, respectively, and emerge as their protector . . . [and] divert all anti-government sentiments into anti-India and communal channels so that he could retain a monopoly of loyalty to India.⁷

Bakshi did not want the Praja Parishad to be replaced by a non-communal group in Jammu, nor Sheikh Abdullah by a pro-India group in the Valley, for only such groups could wrest power from him. When the secular and pro-Indian political parties like the Praja Socialist Party in 1954 and the Democratic National Conference in 1958 posed a challenge, they were denounced as 'instruments of Indian interference in Kashmir'. The Democratic National Conference was targeted as a 'pro-merger party' trying to 'sell Kashmir to India' when it demanded extension of the Supreme Court's jurisdiction and the Union Election Commission to the state.⁸ Bakshi used them to project himself as the champion of Kashmir's autonomy.

Outside the Valley he condemned these parties as 'Abdullah's agents', because they protested against Sheikh Abdullah's detention without trial and demanded his release. Bakshi did not hesitate to use coercive means for suppressing political opponents. A state-funded private army, the Peace Brigade, was created for disrupting political activities of the opposition political parties. He tried to undercut the moderates' support base by tacitly encouraging the

parties with extremist positions. Mirza Afzal Beg's formation of the Plebiscite Front in 1955 and the Sheikh's release in 1958 were perhaps deliberately timed to undermine political support of the Praja Socialist Party and the Democratic National Conference respectively.⁹ After achieving that objective, they could be quietly incarcerated in the name of safeguarding India's national interests in Kashmir.

Bakshi enjoyed the complete confidence of Nehru who 'strangely enough shut his eyes to the totalitarian methods applied in Kashmiri politics—methods which he would not use or tolerate in India itself'.¹⁰ Nehru was equally responsible for not allowing the democratic opposition to take root in Kashmir. He wanted the National Conference to remain in power in affiliation with the Congress at the centre. Balraj Puri observed that during Abdullah's tenure (1948-53) he pleaded with Nehru to allow disgruntled elements of the National Conference to form an opposition party; Nehru conceded the 'theoretical soundness of [my] argument but maintained that India's Kashmir policy revolved around Abdullah and nothing should be done to weaken him'. After Abdullah's arrest, Puri repeated the request. Nehru agreed that Bakshi used unscrupulous methods but argued that 'India's case . . . now revolved around him and despite all shortcomings the Bakshi government had to be strengthened'. According to Nehru, 'national interest was more important than democracy and as Kashmiri politics revolved around personalities, there was no material for democracy there'.¹¹ Though Nehru exercised a great deal of influence on Kashmir's political history he was, above all, a *nationalist*. 'He subordinated the claims of democracy, morality and sub-national aspirations to the claims of [a certain conceptualization of] Indian nationalism. In the process, Kashmiris were denied even an accountable government, let alone self-determination'.¹²

The Praja Socialist Party and the Democratic National Conference had both rejected the plebiscite demand. While the Praja Socialist Party stressed retaining Kashmir's autonomy, the Democratic National Conference campaigned for closer constitutional integration of the state with India. But because they felt that Kashmir's integration with India was not possible without Sheikh Abdullah's cooperation and called for a dialogue with him, the central leadership labelled them as 'anti-national'. Nehru accused the Praja Socialist Party of joining hands with 'enemies of the country'. When the Democratic National Conference split from the National Conference, the national leadership and the press were alarmed over the disunity in the ranks

of nationalist forces. The two parties were pressurized by the central government to reunite in 1961, an event which was hailed as a 'triumph of national interest'.¹³

Inter-regional Relations

Bakshi started on a good footing and assured that rights and privileges secured for the state as a whole would be shared in equal measure by the people of different parts. Jammu and Ladakh were better represented in the National Conference party leadership and government. In 1957, two out of six cabinet ministers were from Jammu. Kushak Bakula, Deputy Minister of Ladakh Affairs, represented Ladakh for the first time.

However, Bakshi shared political power with other regions only to neutralize their opposition. Kushak Bakula, for example, was inducted on the condition of locating his ministry at Leh, 'effectively reducing him to the position of a District Officer'.¹⁴ Bakula had no powers for making changes in the administration and creating posts or allocating funds. Compared to the total neglect during Abdullah's regime, however, Ladakh fared better. During the Second Plan (1956-61), Rs 86.65 lakh were invested in the region's development but no major agricultural, industrial or power generation projects were initiated during the ten years of Bakshi's rule. Likewise, Jammu was better represented in the National Conference organization, but Bakshi crushed all regional opposition parties. As a result, Jammu and Ladakh continued to nurse grievances against the Valley's dominance in the state's power structures.

Closer Federal Integration

Bakshi was successful in recasting Kashmir's relationship with India. Denouncing Abdullah's pursuit for independence, Kashmir was constitutionally integrated into the Indian State. The dissenting cabinet members' memorandum to Sheikh Abdullah just before his dismissal said:

After convening of the Constituent Assembly, certain inescapable elaboration[s] of the state's relationship were defined in the Delhi Agreement, of which you were the chief architect on our behalf. Your stand was unanimously endorsed by the Government, the National Conference, the Indian Parliament and the Constituent Assembly of the State. . . . You have not only deliberately delayed the implementation of the Agreement . . .

which form[s] the sheet-anchor of our policy, but have purposefully and openly denounced these in public. You have thus arbitrarily sought to precipitate a rupture in the relationship of the State with India.¹⁵

Bakshi delinked the question of accession and self-determination from the quantum of the state's autonomy, and argued that it had already been exercised by the people of Kashmir and was fully guaranteed by the Indian Constitution.¹⁶ Kashmir's special status was no longer acceptable to the central leadership. Although Article 370 remained on the statute book, its substance was diluted considerably. Within a year, the central government appropriated the state's authority through two key mechanisms.

The first was the Jammu & Kashmir Constitution (Amendment) Act 1954 which deleted Section 75 of the Jammu & Kashmir Constitution Act of 1939 under which the council of ministers was the final interpreter of the Constitution. Under the new provisions, the *Sadar-i-Riyasat* (Governor) acquired that power.¹⁷ The second was the Constitution (Application to Jammu & Kashmir) Order 1954 issued by the President of India extending the centre's jurisdiction from the original three subjects of defence, foreign affairs and communications, to all subjects under the Union list and the residuary powers. These two laws practically annulled the Delhi Agreement under which it was conceded that 'sovereignty in all matters other than those specified in the Instrument of Accession continues to reside in the state'. Indian national interests were clearly the driving force behind these amendments. The 1954 order outlawed any activity which may 'disclaim, question or disrupt the sovereignty and territorial integrity of India' and 'insult to the Indian National Flag, the Indian National Anthem and this Constitution' was deemed to be a treasonable act. The provision concerning respect for the Indian flag is particularly noteworthy in the case of Jammu & Kashmir because the state was permitted to use its own flag under the Delhi Agreement. The order put drastic curbs on fundamental liberties, whereby freedom of speech, assembly and association in the state could now be suspended at any time on 'grounds of [that is national] security'. No judicial review of such suspensions would be allowed. The customs barrier had been removed in April 1954, making the state economically an integral part of India. On 26 January 1957, the Jammu & Kashmir government adopted the State Constitution on the premise that 'Jammu & Kashmir State is and shall be an integral part of the Union of India'. Subsequently, the extension of Article

312 brought the Jammu & Kashmir administration under the purview of the All-India services from 1958 onwards.¹⁸

International Developments

India's tough international posture also demoralized the independence lobby. The absorption of the subcontinent into the Cold War had effectively rendered the United Nations resolutions irrelevant. In 1954, Pakistan and the US entered into a security alliance ostensibly to contain Communism. Indian protests that American arms would be used against India and not against the Soviet Union were not heeded. The Soviet Union changed its policy from abstaining on the Kashmir debates in the Security Council to supporting India's stand at international forums. The Soviet Union, a permanent member of the Security Council, could veto any UN resolution passed against India. On the other hand, Pakistan, backed by the US, did not pull out of Kashmir. The Security Council became irrelevant to a peaceful resolution of the Kashmir problem because the prior conditions of holding a plebiscite could never be met. Closer home, the merger of linguistic states in West Pakistan into a single unit and imposition of martial law did not inspire Kashmiris. Sham Lal Yachy, Publicity Secretary of the Political Conference, the only pro-Pakistan political party, talked about seriously re-thinking Kashmir's advantages in becoming a part of India.¹⁹

The Jammu & Kashmir Constituent Assembly finally approved merger with India in early 1956. On 29 March 1956, Nehru withdrew the offer of plebiscite on three grounds.

1. For a plebiscite to take place on the United Nation's terms, Pakistan had to withdraw its forces from areas under its control (which was never done).
2. Kashmir's Constituent Assembly had approved the merger with India and accepted India's Constitution.
3. The drawing of the subcontinent into Cold War security alliances had drastically changed the objective situation for it reflected Pakistan's desire to seek a military solution—something intolerable and a sign of bad faith, according to Nehru.²⁰

To recapitulate, Bakshi served India's interests by de-linking the

question of accession from self-determination. He got the state's accession ratified by the Constituent Assembly and instituted closer federal integration with the Union. These were crucial measures, but in the long run the Indian State would pay a heavy political price for Bakshi's state policies as he had systematically demolished all political and administrative institutions in Jammu & Kashmir. Bakshi's reliance on personal state patronage to seek political support had divided Kashmiri society into two hostile camps. The benefits of economic development remained confined to a thin, top layer of society and did not percolate to the masses. The top-down model of governance had very weak foundations. Bakshi had alienated the enlightened sections of the intelligentsia and depended largely on lumpen elements which could carry things off temporarily but, ultimately, were doomed to collapse. It was not Bakshi's ideological position on Kashmir's relationship with India, but the particular meaning it acquired that alienated Kashmiris from the Indian State. Bakshi was widely identified as 'Delhi's man' in the Valley. When he created an undemocratic, highly coercive and centralized state apparatus with a thoroughly corrupt administration that ruthlessly suppressed all political dissent, the people blamed the central government more than Bakshi. The anti-government protests were converted into anti-Indian sentiments and New Delhi was held responsible for the ills of the political system created by Bakshi's regime. To blame the Indian State for the follies of the central government in Delhi was the next logical step as the mass Kashmiri psyche failed to draw a distinction between the two. Kashmir's alienation from India had begun.

THE PLEBISCITE FRONT: DEMAND FOR SELF-DETERMINATION

The contending formulation of Kashmiri identity as conceptualized by Sheikh Abdullah was down but not out. With his blessings, Mirza Afzal Beg had formed the Plebiscite Front in 1955. The Front stressed that the state's accession to India was temporary and Kashmiris should be allowed to exercise self-determination through a free and fair plebiscite. The party demonstrated mass support at the Anantnag convention attended by more than 50,000 people in November 1955.²¹ The Front leaders were soon arrested. Bakshi's coercive tactics did not affect Sheikh Abdullah, who, released in 1958, launched an angry and powerful tirade against the state and central governments.

Abdullah argued that Kashmir's accession to India had lost its legitimacy after his dismissal and detention, and Bakshi could 'shout from the top of the Banihal Pass that Kashmir's accession to India [was] final and irrevocable', but his government was composed of 'goondas (hooligans), opportunists and thieves'.²² Abdullah had not betrayed India—India had betrayed him. He demanded termination of Kashmir's constitutional relationship with India and a plebiscite to determine its political future. Before long he was back in jail, charged with attempts to overthrow the government. Abdullah's cry for self-determination appealed to the Kashmiri masses because of disillusionment with the centre-sponsored political regimes in Srinagar. The first test of the popularity of these competing formulations came during the relic agitation, the Hazratbal crisis of 1963.

THE RELIC AGITATION

Moe-e-Muqaddas, the Hair of the Prophet, is Kashmir's most treasured relic, placed in the Hazratbal shrine. The relic was stolen on 27 December 1963. The political movement for recovery of the relic snowballed into mass protests against local regimes foisted by the centre. The state apparatus virtually collapsed. Thousands of people clad in black demonstrated against the state government. The National Conference failed to rise to the occasion, and the Bakshi family's property was the particular target of the people's ire. Government authority did not run beyond closely guarded offices. A 15-member action committee, including Farooq Abdullah and Mirwaiz Maulvi Farooq, was formed under the chairmanship of Maulvi Mohammad Sayeed Masoodi which was effectively 'running an unauthorized parallel administration, controlling traffic, prices and commerce'.²³ A noteworthy feature was complete unity of the state's geographical constituents and communal amity as the Hindus, Muslims and Sikhs mingled together and the Valley reverberated with slogans of '*Har-Har Mahadev*', '*Allah-o-Akbar*' and '*Sat-Siri-Akal*'.

This marked the culmination of Bakshi's reign and was a clear indictment of the central government's policies. Ghulam Sadiq blasted myths of India's Kashmir policy in a letter to Nehru.

One of the beliefs, which have been commonly entertained in the past, is that the influence of Pakistan on the Kashmiri Muslims is fairly wide and firmly rooted. From this belief has stemmed a primordial fear of the people.

Based on this fear, policies have developed and influenced every sphere of our life. . . . The rule of law was thrown overboard and all executive agencies as well as the judiciary were bent to the service of a clique in the National Conference. Corruption in all branches of administration and political life was considered to be something inevitable in this situation. . . . From all this myth was born that the National Conference is a sturdy organization of the people headed by two strong men, the twins of the Bakshi family. During the last ten fateful days the people of Kashmir, every man, woman and child irrespective of religion or party affiliations has given a lie to these assumptions. When the population of the state was on the move, these elements of the National Conference who had harmed the interests of the people for their personal benefits were hiding in their rat holes.²⁴

He pointed out how the religious factor had been distorted and exploited in the state.

We have been often led to believe that anything that smacked of the Hindu world injured sentiments of the people here. Therefore, we have been asked to prefer and tolerate a Muslim politician or a Muslim civil servant even though he is corrupt and tyrannous. . . . Why is that Dr. Karan Singh, a scion of the Dogra dynasty, was mentioned with the deepest affection and respect in the public meetings attended by lacs [*sic*] of people? Why are that Sheikh Sahib's son and many other speakers from public platform demanded and continue to demand the rule of Sadar-i-Riyasat in preference to the rule of the 'Muslim' Bakshi? *The people of Kashmir have torn to piece[s] shibboleths in which, alas, the Government of India has been led to place its faith by interested and self-seeking individuals for many years in the past.*²⁵ (emphasis added)

Abortive Attempts at Reconciliation

The relic agitation forced Nehru to reconsider the basic premise and structure of the Kashmir policy. He wanted a healing touch. At an emergency sub-committee meeting of the central cabinet, he said:

After being associated with us for a period of fifteen years, if Kashmir is so destabilized that an ordinary incident of the theft of a relic provokes the people to the extent of trying to overthrow the government, *it is time to adopt a new approach and to bring about a revolutionary change in our viewpoint.*²⁶ (emphasis added)

Nehru realized that Sheikh Abdullah remained an important political force. It was necessary to release him to restore public confidence and reach a political accord over Kashmir. On 8 April 1964, the state

government withdrew the Kashmir Conspiracy Case against Sheikh Abdullah and Mirza Afzal Beg and they were released.

The Sheikh conceded that Kashmir had acceded to India in matters of defence, external affairs and communications, but had not surrendered residual sovereignty, and final accession would depend on the plebiscite. Alternatively, he suggested a negotiated settlement of the Kashmir issue.²⁷ He believed that friendship between India and Pakistan was absolutely essential for Kashmir's future and a solution must be found that '... must not give a sense of defeat to any country nor should it weaken India's secular basis . . . [and] also, satisfy the aspirations of the state so as to give them an honoured place'.²⁸

Nehru welcomed Abdullah's efforts. At the AICC meeting, he said:

Sheikh Abdullah is wedded to principles of secularism and does not wish anything to be done to vitiate these in any way. He does not believe in [the] two-nation theory, which was the basis of formation of Pakistan. Nevertheless, he hopes that it should be possible for India, holding on to her principles, to live in peace and friendship with Pakistan and . . . put an end to the question of Kashmir. If Sheikh Abdullah can help in bringing this about, he will have done a great service to both the countries. We are prepared to help him in this attempt, but in doing so we must adhere to our principles as well as our basic attitude in regard to Kashmir.

Nehru was clearly open to new ideas without compromising Indian secularism and nationalism. Abdullah stressed safeguarding Kashmiri honour. He suggested a condominium of India and Pakistan over Kashmir, or a confederation with a special intermediate position for Kashmir.²⁹ This was closest to the Sheikh's goal of an independent Kashmir. But Pakistani President Ayub Khan shot it down as an 'absurd proposal' that would encourage the 'forces of disintegration'.³⁰ A unique opportunity which had three statesmen—Nehru in Delhi, Ayub in Pakistan and Abdullah in Kashmir—who could have solved the seemingly intractable problem of Kashmir was lost with Nehru's sudden death on 27 May 1964. With receding prospects of a settlement, the Sheikh's position became more intransigent. He would not accept the existing constitutional relationship between Jammu & Kashmir and India, and insisted on intervention by Pakistan to guarantee Kashmir's rights, a stance not acceptable to the state and the central governments.³¹ Once again, there was a growing chasm between two conceptions of the Kashmiri identity.

GHULAM SADIQ'S REGIME

Ghulam Mohammad Sadiq was at the helm of affairs next in Srinagar. His positive contribution lay in restoring institutional sanctity of the state apparatus. The Peace Brigade was disbanded and civil liberties were restored. Sadiq revived civil administration by regulating recruitment and promotions and undertaking various anti-corruption measures.

Inter-regional Relations

There was no radical departure in the government's approach towards Jammu and Ladakh regions. The Jammu Autonomy Forum formed in 1966 demanded internal political autonomy. Ideologically close to the Indian Socialist movement, the Forum was supported by the Jammu & Kashmir Youth Conference and the Friends of New Kashmir at New Delhi.³² It urged appreciation of the secular character of Jammu's political demands and the need for constitutional and institutional arrangements of power sharing. The Forum sought democratization of the state's political structures, a neutral civil administration distinct from the National Conference organization, and economic amelioration through a planned economic policy. The Jammu Autonomy Forum presented a memoranda to the state and central governments and articulated its demands through press and platform. Supported by a small segment of Jammu's intelligentsia, it failed to mobilize mass support. The idea of regional autonomy provoked stiff resistance from the entire political spectrum. The Jan Sangh—the Praja Parishad had merged in the Jan Sangh—charged that 'it would benefit only the supporters of Sheikh Abdullah and pro-Pakistan elements',³³ and the Plebiscite Front debunked it as a game of Indian imperialism. The Congress denounced 'the disruptionist slogan' as being against Indian national interests, and along with the Jan Sangh, attributed the idea to a 'foreign hand'. An Ekta front was set up to coordinate the anti-autonomy campaign. The *Hindustan Times* aptly remarked: 'The strength of the move of autonomy is advocated not so much by what its protagonists have been able to achieve so far as by the amount of resistance it has aroused. Diverse elements have combined to oppose it tooth and nail.'³⁴ The controversy only served the Forum's objective in projecting regional autonomy as an alternative solution to Jammu's grievances.

The formula of then Sadar-i-Riyasat Dr Karan Singh of trifurcating the state along linguistic lines—with Jammu merged into Himachal Pradesh, Ladakh a centrally-administered area, and Kashmir Valley a separate unilingual state—aroused similar reactions.³⁵ It was severely criticized by 'the communists on the left, who seemed to think it was part of some sinister American plot, to the Jan Sangh on the right who thought that by isolating Kashmir, the Muslims would be so preponderant that we would lose it to Pakistan'.³⁶ The state government debunked both proposals and used its resources to crush the demand for regional autonomy.³⁷ Sadiq denounced Karan Singh's formula as 'an imported idea which was fraught with dangerous consequences' and should be resisted with 'all our might'.³⁸

The people in Ladakh were unhappy with Sadiq's government for withdrawing the direct central administration, as in NEFA, introduced after the Chinese aggression in 1962.³⁹ Sadiq tried to make amends by constituting a ten-member Ladakh Development Commission with Kushak Bakula, the Minister of State for Ladakh Affairs, as the chairman and Agha Ibrahim Shah, Member Legislative Council from Kargil, as the vice-chairman. The commission was to advise the government on policies for good governance and speedy development of Ladakh but, owing to several limitations, it proved to be ineffective. Disillusioned by the discrimination against Ladakh by successive state governments, the District National Congress unit led by Kushak Bakula submitted a memorandum to the central government in 1967 seeking revival of a NEFA-type administration.

The state government responded to the demands for regional autonomy by Jammu and Ladakh by undercutting the political base of such groups and creating alternative political alignments, often along communal lines. Balraj Puri's accusation that the state government was deliberately promoting the Jan Sangh in Jammu met with a candid admission from Sadiq that the 'Jan Sangh was a lesser evil than any secular opposition party. For Congress-Sangh polarisation involved conceding three or four seats to the Sangh ([the] maximum it had ever won in Jammu on its own) and ensured the rest for the ruling party. If any secular opposition struck roots among Hindus of Jammu, all seats would be in danger.'⁴⁰

Therefore, 'an important factor in the survival of the Jan Sangh in Jammu was its utility to the ruling Kashmiri leadership'.⁴¹ But to encourage communal elements in order to undermine the secular regional demands for the sake of the ruling party's narrow

political interests was fraught with dangerous consequences. The Jan Sangh got a share in appointments, promotions and transfers of the government employees in Jammu, sustaining the ranks which were otherwise getting weary of remaining in the political wilderness.

In Ladakh, Sadiq promoted a new leadership of lamas by supporting Kushak Thiksey against Kushak Bakula on one hand,⁴² and, on the other, favoured the Muslim leadership of Kargil against the Buddhist leadership of Leh. Political differences between Ladakhi Muslims and Buddhists were becoming public. In 1969, several incidents, including alleged desecration of the Buddhist flag by a Muslim and the stoning of Jama Masjid and Imam Bara by a Buddhist procession and subsequent reactions in Kargil, had divided the two communities politically. The Buddhist Action Committee demanded the status of a Scheduled Tribe for Ladakhis, settlement of Tibetan refugees in Ladakh, construction of a rest house in Kargil, recognition and introduction of the Bodhi language as a compulsory subject up to high school, and provision for a full-fledged cabinet minister who should be the real representative of Ladakh.⁴³ The agitation leader, Kushak Tongdan, led a sit-down relay hunger strike in Leh bazaar and Nubra valley. The state government inducted Sonam Wangyal in the cabinet but the other demands were not accepted, perhaps because they were opposed strongly by the Muslim Action Committee which feared that the Buddhist demand for settlement of Tibetan refugees would upset the ethnic balance in the region.

Ultimately, this was a game of building political majorities. The Ladakhi Buddhists were suspicious and distrustful of the Kashmiri Muslim majority relegating them to a minority within Ladakh, and hence the demand for settling the Tibetan refugees. This was perceived as an attempt to build a Buddhist majority, arousing fear in the Shia Muslim minority in Kargil, which, in turn, tried to forge a political majority by joining hands with the Kashmiri Muslims. A vicious circle resulted leading to the beginning of the bifurcation of the Ladakhi identity into the *Ladakhi Buddhist identity* and the *Ladakhi Muslim identity*.

Gajendragadkar Commission

On a positive note, Sadiq's government appointed the Jammu & Kashmir Commission of Inquiry, headed by P.B. Gajendragadkar, to recommend measures for equitable sharing of resources among

the three regions. The Jammu Autonomy Forum recommended a decentralized political set-up with a state assembly, regional councils and *zila parishads* (district councils).⁴⁴ The Bakshi-led National Conference suggested decentralization of power to locally elected bodies at *tehsil*, district and provincial levels (with the cabinet at the top). Significantly, three leading political parties—the Congress, the Jan Sangh and the Plebiscite Front (which opposed regional autonomy)—did not appear before the commission.

The Gajendragadkar Commission report acknowledged the need for recognizing the regional identities:

Although the Jammu & Kashmir state has been a single political entity for over a hundred years, it cannot be denied that geographically, ethnically, culturally and historically, it is composed of three separate homogeneous regions, namely Jammu, Kashmir and Ladakh. . . . *Even if all the matters were equitably settled . . . there would still be a measure of discontent unless the political aspirations of the different regions of the state were satisfied.* In fact . . . the main cause of irritation and tensions is the feeling of political neglect and discrimination, real or imagined, from which certain regions of the state suffer.⁴⁵ (emphasis added)

The commission recommended setting up statutory regional development boards for the three regions and political conventions such as equal number of cabinet ministers from Jammu and the Valley with a full-fledged cabinet minister representing Ladakh and the deputy chief minister representing a different region. On the flip side, with a chief minister from Kashmir Valley, Jammu and Ladakh could earn the privilege only by electing the political party of Kashmir's chief minister.⁴⁶ After vacillating for a year, the state government appointed boards comprising civil servants and experts. Since these boards were neither statutory nor representative and never functioned, the entire exercise of the commission remained academic.

Erosion of Kashmir's Autonomy

In an interesting parallel, much as Sadiq's government refused to concede political autonomy to Jammu and Ladakh regions, Kashmir's own autonomy was consistently eroded by the central government. Bakshi's threat to dislodge Sadiq's government through a no-confidence motion in the state assembly caused panic. According to Mir Qasim, Sadiq was willing to face the motion, but the central government officials headed by Shankar Prasad,

Secretary of Kashmir Affairs, were adamant. Mir Qasim's account is noteworthy. 'A heated debate on all aspects of Mr. Bakshi's plan for a motion of no confidence ensued. We repeated our stand that since Mr. Bakshi enjoyed the majority in the House, we should let him rule. But our stand was rejected in view of what they called the "national interest". It was decided Mr. Bakshi be arrested in "national interest"'.⁴⁷

In a remarkable twist of fate, Bakshi was arrested under the Defence of India rules and detained at Tara Niwas, Udhampur, where, 11 years earlier, Abdullah had been imprisoned. A misconstrued conception of India's national interests was used as a pretext to subvert the state's democratic institutions. Sadiq returned the favour by pursuing vigorously the integrationist agenda in both constitutional and political spheres.

A presidential order in late 1964 extended Articles 356 and 357 of the Indian Constitution to the state vesting emergency powers in the President of India to take over the administration of the state in case of collapse of the constitutional machinery. Previously these powers could be exercised only with the concurrence of the state legislature. In April 1965, the state assembly approved a bill changing the title Sadar-i-Riyasat to Governor and Wazir-i-Azam to Chief Minister, bringing Jammu & Kashmir at par with other Indian states. Hitherto, the state legislature elected the Sadar-i-Riyasat, who was required to be a permanent resident of the state. In due course, this provided a lever in the centre's hands to impose governors who could, if necessary, dismiss duly elected governments. Further, Section 51 (a) of the state Constitution was substituted with a new clause making every member of the state legislature responsible to the central government in discharge of their functions,⁴⁸ and Section 95 was amended to bring the state High Court judges at par with judges in other Indian states with regard to appointment and terms of office.

A number of legislative entries relating to the welfare of labour, trade unions, social security and social insurance were applied, extending various central labour laws to the state. Sadiq changed the Fifth Schedule of the state Constitution, requiring ministers, deputy ministers, and members of the state legislature and judges of the High Court and candidates for election to take an oath to 'uphold the sovereignty and territorial integrity of India'. This provision would be used frequently for rigging elections in Kashmir in the future.⁴⁹

Dissolution of the National Conference

In a bid to bring about Kashmir's political integration, the ruling National Conference was dissolved and replaced by the Congress, a move even Bakshi had resisted strongly, for, 'after all, the National Conference [had] its own tradition . . . and its following [had] certain sentiment which needed to be respected'.⁵⁰ The All-India National Congress amended its statute in January 1965 and established a state unit in Jammu & Kashmir. Sadiq and his successor Mir Qasim became subject to political controls of the central government and the Congress High Command in New Delhi. Qasim later regretted that 'instead of becoming a source of strength for us, the Congress became a conduit for the flow of all the country's political dirt into Kashmir'.⁵¹

The dissolution of the National Conference divided Kashmiri politics sharply into two camps. Earlier, Bakshi's attempts to polarize state politics between himself and the Plebiscite Front in the Valley and the Praja Parishad in Jammu had severely eroded the political space for secular and pro-India opposition in Kashmir. Sadiq's move to liquidate the National Conference removed the only secular and possibly pro-Indian platform, and left the people with little alternative but to join either the Plebiscite Front (holding Kashmir's accession to India temporary), or the Congress (widely perceived as an 'outsider' or 'New Delhi's agent') in the Valley. In a letter to Sadiq, historian Prem Nath Bazaz argued succinctly:

The biggest problem in present-day Kashmir . . . is the reconciliation of local nationalism with Indian nationalism. That leader alone has the chance to survive opposition onslaughts and lead the state people to the goal of democracy as a part of [the] Indian Nation who can, during the transition period, *wisely strike a balance between the demands and emotions of the Indians and the aspirations, urges and sentiments of Kashmiris*. Only thoughtless people can believe that the aims, inclinations, passions and desires of the two peoples are identical in every respect today; such a notion is misleading and harmful. . . . When last autumn Indian nationalism launched upon an aggressive campaign to demolish the autonomy of the State without the consent of Kashmiris you faltered and acted according to its [Centre's] bidding.⁵² (emphasis added)

Sadiq's regime and the central government's short-sighted policies of bulldozing the constitutional and political integration of Jammu & Kashmir with India increasingly sapped the political space necessary

for healthy nurturing of the Kashmiri identity. The Kashmiri psyche, for various historical reasons, was used to a special status and reacted strongly against the central government's attempts to erode its political autonomy,⁵³ specially because they were constantly exposed to the alternative of plebiscite and the emotive appeals of Sheikh Abdullah who had made tremendous sacrifices to secure their right of self-determination.

Abdullah's challenge could be met only by offering Kashmiris a sound alternative in building a democratic and federal state apparatus and effectuating its economic development. But for the central government, Indian national interests were more important than instituting federal and democratic political structures; their priorities for constitutional and political integration of the state, often through coercive means, tended to defeat the larger objective of achieving emotional integration of Kashmiris with the people of the rest of the country. Besides, a substantial proportion of central aid for the state's economic development was misappropriated by the ruling elite in Srinagar. Denied political rights and deprived of a due share in centre-aided, state-sponsored economic development, the Kashmiris were gradually alienated from the Indian State. Their disillusionment with the centre for constantly eroding Kashmir's autonomy lured them towards Abdullah's demand for self-determination, and made the idea of an independent Kashmir appear as an attractive political option.

Opposition Voices

Without joining the Plebiscite Front, Abdullah canvassed for its political objectives. A significant interjection in the Congress-Plebiscite Front polarization in Kashmiri politics was provided by emergence of a Muslim, potentially Islamic, political force in the Awami Action Committee led by Maulvi Mohammad Farooq. This marked the beginning of the reconstruction of Kashmiris' religious identity which inherited Yusuf Shah's political base and pro-Pakistan bias of the traditions of the Muslim Conference in the pre-1947 period. It revived the old family-cum-ideological feud between Sheikh Abdullah's and Mirwaiz Maulvi Farooq's groups, popularly known as *sher* (lions) and *bakras* (goats). Their rival supporters clashed. Abdullah accused the Maulvi of adventurism and irresponsibility, and the latter charged Abdullah with splitting the monolithic unity among Muslims forged after the relic episode.⁵⁴

The Sadiq government's vigorous pursuit of integrationist policies

united the opposition forces and brought the independence-minded Plebiscite Front and the pro-Pakistan Awami Action Committee on a single political platform, under the leadership of Abdullah, to protest against the centre's encroachment of the state's autonomy and to pursue the long-term common objective of self-determination. Sheikh Abdullah and Mirwaiz Farooq addressed joint meetings to condemn India for starting a 'process of tightening its tentacles over Kashmir' and 'attempts to end the identity of Kashmir'.⁵⁵ The Sheikh told his supporters that the ruling clique in India was taking steps to completely deprive the Kashmiri Muslims of their freedom on the presumption that 'they have no courage or are weak'. The dissolution of the National Conference threatened the very 'entity of Kashmiri Muslims', and he called for a complete social boycott of Congressmen—'No one should have any relations or dealings with them and no one should talk to them.' People in the Valley responded by not attending the marriages, religious functions and funerals of Muslim Congressmen.⁵⁶

The clock had turned full circle. In the 1940s, the Sheikh had joined hands with Indian nationalism in order to challenge Muslim nationalism, and now he joined forces which stood for the Muslim identity in order to challenge the Indian identity. Although the Sheikh had not abandoned Indian values like secularism and Gandhism, he defined his nationality in his passport in ethno-religious terms of being a Kashmiri Muslim. The pictures of Gandhi, Nehru, Abul Kalam Azad and Gaffar Khan adorning Mujahid Manzil in Srinagar were replaced with posters of Mohammad Ali Jinnah. The Plebiscite Front's official organ *Front* eulogized Jinnah and Gandhi alike. Similarly, Pakistan's political system was appreciated by the Front, and a green flag—officially interpreted as the symbol of Islam—substituted the socialist red banner of the freedom movement.⁵⁷ In some sections, anti-Indianism was considered to be a qualifying mark of Kashmiri identity. There was pride in the Sheikh's rebellion against India. This would have fateful repercussions because the epithet of being pro-Indian would gradually become a stigma and a political liability for the Kashmiri leadership.

In February 1965 Abdullah left for Haj pilgrimage to pray for deliverance of suffering Kashmiris at Mecca and to seek international support. In Cairo, he sought the Afro-Asian countries' support and planned to address the issue in the forthcoming conference in Algiers. The Sheikh met Chinese Premier Chou En-Lai who, as head of a state that had only recently inflicted a humiliating military defeat on

India, reiterated China's support for the right of self-determination to the people of Kashmir and invited the Sheikh to visit the People's Republic of China. This created a political storm in the country and Abdullah was arrested on his return to India. In Kashmir, use of force and arrests of Plebiscite Front workers suppressed angry protests. Although the political relationship between Kashmiris and the Indian State was strained considerably, all was not lost. This was amply proved by Pakistan's total failure to forcibly annex Kashmir by sending armed infiltrators, an act which resulted in the 1965 war between India and Pakistan.

THE 1965 WAR

Strategically the 1965 war was an inconclusive draw, but it was evident that it was a grave political miscalculation on Pakistan's part. The calculation that, given support, Kashmiris would revolt against India backfired totally. Instead, Kashmiris turned in Pakistani infiltrators and considerable animosity against them was observed in the Valley. General Musa, Commander-in-Chief of the Pakistan Army, grudgingly admits that 'the Muslim population there [in the Valley], although by and large willing to help were unable to cooperate fully'.⁵⁸ India won a partial victory because, clearly, despite their resentment against India, Kashmiris were even less enthusiastic to embrace Pakistan.⁵⁹ The war and the Tashkent Agreement demonstrated the irrelevance of external force in altering Kashmir's political status. India's position was strengthened having been on the defensive at international forums for 15 years; the situation had changed. The use of American weapons against India by Pakistan also created problems in its relationship with the USA.

However, there was no corresponding radical shift in the political equations within Kashmir. The Sadiq government continued to integrate Kashmir with India through constitutional amendments and started resorting to the familiar tactics of political coercion against opposition parties. With Maulana Masoodi, G.M. Karra and Maulvi Farooq behind bars for trying to revive the civil disobedience movement demanding Abdullah's release, and curbs imposed on civil liberties during and after the war including large-scale arrests of political workers and a ban on most opposition newspapers, the political opposition in the Valley was paralyzed. Complaints about undemocratic practices by the ruling party persisted. In the 1967

general elections, nomination papers of 118 opposition candidates in 39 out of 75 constituencies were rejected, ensuring 22 unopposed returns.⁶⁰

SHIFT IN SHEIKH ABDULLAH'S POSITION

While Sadiq's government failed to win popular support for Kashmir's constitutional and political integration with India, a shift in Sheikh Abdullah's position after his release in 1968 on Kashmir's federal relationship with the centre and inter-regional relations in Jammu & Kashmir narrowed the differences. The Sheikh held two All-Kashmir State Peoples' Conventions—in October 1968 and June 1970—to ascertain the views of the people and political parties. Jayaprakash Narayan suggested greater autonomy, without questioning India's territorial integrity, to satisfy Kashmiris' desire for self-government. He stated that no Indian leader would accept Kashmir outside India but admitted that 'in a vast country like ours, national unity can only be fostered in an atmosphere of wise understanding of regional sentiments and interests and spirit of mutual tolerance'.⁶¹

The Sheikh dropped the emphasis on plebiscite and called for a round-table conference of the representatives of India, Pakistan and Kashmir, preferably with a mediator, to work out a solution conceding the *substance of the demand for self-determination* and remaining honourable to India and Pakistan. On inter-regional relations, Abdullah acknowledged that maximum autonomy to the three regions of the state was essential to give a sense of participation and belonging to the people of diverse cultures, languages and religions and to ensure their emotional integration. Keeping in view 'the interests of all regions', the convention proposed to adopt a five-tier internal constitutional set-up of the state envisaging regional autonomy and further devolution of political power to districts, blocks and *panchayats*. Releasing the constitutional document to the press, the Sheikh admitted that 'it was fear and suspicions of one region regarding the other which apparently prompted Jammu to opt for merger with India against Kashmiris wanting to join Pakistan' and assured that their regional interests would be safeguarded.⁶² He said 'it was aimed at putting our own house in order' before deliberating on the state's future and suggested that 'such a document could also usefully form the basis of our negotiations with Pakistan'.⁶³ The

Sheikh had obviously not given up the Pakistan card but he would be forced to soon. The 1971 war would radically change the power equations in the subcontinent.

The 1971 war between India and Pakistan was fought mainly on their borders in the east but had serious repercussions for Kashmir. East Pakistan's secession on the grounds of being Bengali Muslims rather than simply Muslims decimated the two-nation theory. The Shimla Accord converted the Ceasefire Line into the Line of Control, and both sides agreed to the clause: 'Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. *Both sides further undertake to refrain from the threat or the use of force in violation of this Line.*' India's insistence that Kashmir's future should be decided bilaterally and not under the United Nations' auspices was perceived as burying the hope of a plebiscite forever.

Pakistan's total defeat brought home the realization that Pakistan could no longer be used as a bargaining card vis-à-vis New Delhi, and Kashmiris reconciled to the finality of accession.⁶⁴ Sheikh Abdullah also abandoned the goal of seeking a sovereign and independent state and said, 'our dispute with [the] Government of India is not about accession but it is about *quantum of autonomy*'.⁶⁵ With Abdullah's acceptance of Kashmiris as a subset of the Indian nation, the two-decade-long tussle on differing viewpoints on Kashmiri identity finally ended and paved the way for reconciliation between Kashmir and the Indian State.

NOTES

1. The number of schools increased from 2,000 in 1952 to 6,500 within a decade, and the number of colleges from 4 to 23. Engineering, medical, agricultural and other technical institutes were established for the first time. Kashmir was the only state to introduce education at all levels with provisions for scholarships and loans. The literacy rate increased from 3.6 to 10.6 per cent under the Bakshi regime. The budget allocation for education increased from Rs 4 million to Rs 40 million. In the same period, capital expenditure on public health increased six-fold.
2. The per capita plan expenditure was among the lowest of Indian states in the early 1950s, but equalled the all-India average by the Second Five Year Plan (1956-61) and doubled this average thereafter. Balraj Puri, 'Jammu & Kashmir', in *State Politics in India*, Myron Weiner (ed.), Princeton: Princeton University Press, 1966, p. 225.
3. *Ibid.*, p. 226.

4. Since the Plebiscite Front boycotted the 1957 elections, the National Conference ruled the roost and captured 68 seats with 41 unopposed candidates. The Praja Parishad won five seats. The Harijan Mandal of Jammu won one seat, and another went to an independent.
5. Puri (1966), op. cit., p. 221.
6. *Ibid.*, p. 227.
7. *Ibid.*, p. 228.
8. *Ibid.*, p. 230.
9. *Ibid.*, p. 230.
10. Joseph Korbel, *Danger in Kashmir*, Princeton: Princeton University Press, 1966, p. 245.
11. Sumantra Bose, *The Challenge in Kashmir: Democracy, Self-determination and a Just Peace*, New Delhi: Sage, 1997, p. 39.
12. *Ibid.*, p. 40.
13. The Hindu complimented Sadiq for being able to see the futility of internecine strife and argued that 'a stray victory of the Democratic National Conference in the coming elections would have been interpreted as demonstration of anti-India feeling'. The *Hindustan Times* justified the one-party system in Kashmir on the grounds of security. Balraj Puri, *Kashmir: Towards Insurgency*, New Delhi: Orient Longman, 1993, p. 48. One may note that the Jammu unit of the Democratic National Conference considered this decision as 'undemocratic, anti-people and highly opportunistic' and refused to abide.
14. Another condition was that the deputy commissioner, Ladakh, was to function as the deputy minister's ex-officio secretary. This meant that the deputy minister's functions were to be carried out by the deputy commissioner, who, in theory, was subject to the former's control and supervision. See Shridhar Kaul and H.N. Kaul, *Ladakh Through the Ages: Towards a New Identity*, New Delhi: Indus Publishing Company, 1992, p. 209.
15. Memorandum sent to Sheikh Abdullah by Deputy Prime Minister Bakshi Ghulam Mohammed, Finance Minister G.L. Dogra, and Health Minister S.L. Saraf on 8 August 1953, as cited in Karan Singh, *Autobiography*, New Delhi: Oxford University Press, 1994, p. 159.
16. Balraj Puri, *Jammu and Kashmir: Triumph and Tragedy of Indian Federalization*, New Delhi: Sterling Publishers, 1981, pp. 127-8.
17. Gautam Navlakha, 'Invoking Union: Kashmir and Official Nationalism of Bharat', in *Region, Religion, Caste, Gender and Culture in Contemporary India*, T.V. Sathyamurthy (ed.), New Delhi: Oxford University Press, 1996, p. 94.
18. Sumantra Bose argues that this move resulted eventually in staffing the central administrative agencies, economic enterprises and banks based in Jammu & Kashmir by not just non-Muslims, but, more critically, by non-Muslims from outside Jammu & Kashmir. He points out that in 1989, while Muslims comprised 65 per cent of the population in Indian-administered Jammu & Kashmir and Hindus 32 per cent, Hindus mostly from outside the state made up 84 per cent of high-level officers, 79 per cent of the clerical employees and 73 per cent of the low-level employees in the centrally-operated services. A minuscule 1.5 per cent of high-ranking officers in centrally owned banks in the state were Kashmiri Muslims. Only 25 per cent of IAS officials posted in the state in 1989 were natives of the province, and among 22 secretaries (the highest rank), a mere five were Kashmiri Muslims. See Bose, op. cit., p. 34.

19. Shyam Lal Yachu, 'Re-thinking the Pro-Pak Camp of Kashmir', in *The Story of Kashmir: Yesterday and Today*, Vol. II, Virender Grover (ed.), New Delhi: Deep & Deep Publishers, 1995, pp. 411-16. Prem Nath Bazaz, the first vocal exponent of Pakistan's case in Kashmir also expressed disillusionment with Pakistan.
20. Ashutosh Varshney, 'Three Compromised Nationalisms: Why Kashmir Has Been a Problem', in *Perspectives on Kashmir: The Roots of Conflict in South Asia*, Raju G.C. Thomas (ed.), Boulder, Col.: Westview Press, 1992, p. 215.
21. Narinder Singh, *Political Awakening in Kashmir*, New Delhi: H.K. Publishers, 1992, p. 89.
22. Korbelt, op. cit., p. 324.
23. Karan Singh, op. cit., p. 265.
24. Ibid., p. 267.
25. Ibid., p. 268.
26. Sheikh Abdullah, *Flames of the Chinara*, translated from Urdu by Khushwant Singh, New Delhi: Viking, 1993, p. 147.
27. Korbelt, op. cit., p. 325.
28. Sisir Gupta, *Kashmir: A Study in India-Pakistan Relations*, New Delhi: Asia Publishing House, 1966, p. 393.
29. *The Times of India*, 10 May 1964.
30. Y.D. Gundeia, *Sheikh Abdullah's Testament*, Dehradun: Palit & Palit Publishers, 1974, p. 82. For details of this proposal, see, Y.D. Gundeia, *Outside the Archives*, Hyderabad: Sangam Books India, 1984.
31. Karan Singh, op. cit., pp. 285, 288.
32. The objective of the Jammu & Kashmir Youth Conference formed in May 1948 included 'organizing the people of Jammu on democratic and progressive lines so that the political power got from the autocratic ruler may be transferred to the people of Jammu and to fight for solidarity and integrity of Jammu & Kashmir'. Balraj Puri, *Simmering Volcano: Study of Jammu's Relations with Kashmir*, New Delhi: Sterling Publishers, 1983, p. 36.
33. The Jan Sangh had proposed the communal division of Jammu to the Demarcation Commission by carving out Hindu-majority constituencies in Jammu, Udhampur and Kathua districts, and merging Muslim-majority areas with the Kashmir Valley and Ladakh.
34. As cited by Puri (1983), op. cit., p. 49.
35. Karan Singh, op. cit., pp. 307-8.
36. Ibid.
37. Years later, Sadiq apparently told Balraj Puri that D.P. Dhar had masterminded the operations by deploying the resources of the Field Survey Organization and other government departments. Puri (1983), op. cit., pp. 43-4.
38. Ibid., p. 42.
39. Under this system, Ladakh was manned by the Indian Frontier Administrative Personnel. The deputy commissioner-cum-development commissioner of the district and the assistant commissioners of Kargil, Nubra and Nyoma were also drawn from the same service cadres. Kaul and Kaul, op. cit., p. 220.
40. Balraj Puri, 'Jan Sangh's Decline Creates Political Vacuum', *Economic and Political Weekly*, 1 September 1973, pp. 1593-4.
41. Ibid.
42. In the 1967 Assembly elections, the Congress nominated Kushak Bakula's nominee Sonam Wangyal for the Leh seat, but unofficially his opponent Kushak

- Thiksey enjoyed the patronage of the state government. The relations between Ghulam Sadiq and Kushak Bakula were further embittered when Sonam Norbu, till then Ladakh's deputy commissioner was nominated to the legislative council as a prelude to his inclusion in the state cabinet. Bakula's supporters perceived it as an attempt to divide the Ladakhi Buddhists by ignoring the claims of the elected representative Sonam Wangyal. Kaul and Kaul, op. cit., p. 231.
43. Ibid., p. 235.
 44. The Jammu Autonomy Forum had suggested that a part of the power the state enjoyed within the Indian Union should be transferred to the three regions—Jammu, Kashmir and Ladakh. The subjects in the state list must be divided in two parts: one to be retained by the state, and the other delegated to the regions. While there would be one assembly, one cabinet and one chief minister dealing with subjects of state importance, at the regional level elected regional councils headed by a team of executive councillors should be similarly responsible for legislative and executive purposes. For further decentralization, the memorandum suggested that the scheme of regional autonomy should be supplemented by measures of district autonomy on the pattern of *zila parishads*. Puri (1983), op. cit., pp. 49-50.
 45. Ibid., pp. 51-2.
 46. Ibid., p. 52.
 47. As cited in Ajit Bhattacharjee, *Kashmir: The Wounded Valley*, New Delhi: UBSPD Publishers, 1994, p. 216.
 48. Hari Ram, *Special Status in Indian Federalism: Jammu and Kashmir*, New Delhi: Seema Publishers, 1983, p. 99.
 49. Navlakha in Sathyamurthy, op. cit., p. 97.
 50. Puri (1981), op. cit., p. 154.
 51. Bhattacharjee, op. cit., p. 220.
 52. Prem Nath Bazaz, *Kashmir in the Crucible*, New Delhi: Pamposh Publishers, 1967, pp. 233-4.
 53. Teng argues that the Muslim middle peasantry which had replaced the Dogra landed aristocracy, the new class of Muslim commercial magnates, trading agents, the vast variety of small industrial entrepreneurs and sections of the Muslim bureaucracy disapproved such measures for threatening the vested interest they had acquired in the exclusive sphere of authority and power. M.K. Teng, *Kashmir: Article 370*, New Delhi: Anmol Publishers, 1990, p. 128.
 54. Karan Singh, op. cit., p. 285.
 55. Puri in Weiner, op. cit., p. 236.
 56. Ibid., p. 237.
 57. Ibid.
 58. Varshney in Thomas, op. cit., p. 216. Officially, Pakistan contended that the people captured by India were not Pakistani infiltrators but Kashmiri freedom fighters openly in revolt against India. But independent observers could get no such evidence. The *New York Times* found that 'most of the prisoners captured thus far do not speak the Kashmiri dialect. They speak . . . Punjabi and other dialects'. Thus the so-called freedom fighters were actually men from Pakistan's Punjab. The *Washington Post* remarked, 'The Moslem Pakistanis, led by President Ayub, had expected the infiltrators to be able to produce a general uprising and this is Ayub's first disappointment.' Other foreign correspondents from *The Times* (London), *The Baltimore Sun* and the *BBC* concurred independently. A Pakistani

account given by Mohammad Musa states that his objections against the infiltration strategy were overruled by Foreign Minister Z.A. Bhutto, Defence Secretary Aziz Ahmed and ultimately by President Ayub Khan. Musa disclosed that the objectives of Operation Gibraltar included sabotage of military targets, disruption of communications and distribution of arms to the Kashmiris and initiation of a guerrilla movement to eventually start an uprising in the Valley. Mohammad Musa, *My Version*, Lahore: Wajidalis Ltd., 1983, pp. 35-7.

59. There were some dissident voices among the Plebiscite Front leaders. Munshi Mohammad Isahaq, President of the Plebiscite Front, resigned soon after Pakistani raiders infiltrated the state. He complained of being let down by his colleagues for not honouring the commitment with Pakistan to collaborate with the infiltrators and regretted that 'on account of selfishness and cowardice of the leaders of Kashmir who were outside the jail, we missed a golden opportunity of liberation of Kashmir'. Puri (1981), op. cit., p. 160. Even Abdullah believed that Pakistan would not have resorted to infiltration if the Indian government had not closed the door on negotiations. 'Pakistan', he said, 'was left with no alternative except to break open the door.'
60. The ruling Congress captured 61 seats and polled 53.92 per cent votes, registering a sharp drop of 10 per cent in the party's popularity. The Jan Sangh won three seats and the National Conference wrested seven seats. The Democratic National Conference, the Praja Socialist Party and the state unit of the Akali Dal drew a blank.
61. M.J. Akbar, *India: The Siege Within: Challenges to a Nation's Unity*, New Delhi: UBSPD, 1996 edition, p. 269.
62. *The Times of India*, 25 October 1969.
63. *The Tribune*, 14 June 1970.
64. Mirwaiz Farooq stated that the Shimla Accord had fundamentally weakened Pakistan's position and ruled Pakistan out as a significant factor in the dispute, possibly forever. G.M. Karra announced that 'accession is final'. The leaders from the Plebiscite Front and the Awami Action Committee joined the District Citizens Defence Councils and condemned the 'Pakistani junta' for disturbing the peace on the border. The Front leaders like Syed Mubarak Shah, Ghulam Rasool Kochak and Mohammad Yakub Beg openly denounced Pakistan. *Link*, 14 (21): 21, 2 January 1972.
65. *The Times*, 10 March 1972. In his autobiography, the Sheikh glosses over the shift in objectives after Bangladesh: 'I assured my Indian friends that we had no differences with them over accession. We only wanted Article 370 to be maintained in its original form.' Yet later he said: 'Our readiness to come to the negotiating table did not imply change in our objectives but a change in our strategy.' Abdullah, op. cit., p. 325. Abdullah apparently told Jayaprakash Narayan and Radhakrishnan that he would be prepared to accept the status of full internal autonomy for Kashmir provided history was not allowed to repeat itself. By that he meant, provided the autonomy was not gradually whittled down and the centre did not interfere in the state's internal affairs. As cited in JP's Secret letter to Mrs Gandhi on Kashmir', *Sunday*, 4-10 March 1984, pp. 24-7.

CHAPTER 6

Accord and Discord

The years from 1975 to 1987 brought to the fore two sets of issues. First, was a reconciliation possible between Kashmiris and the Indian State and between the Jammu and Ladakh regions with Jammu & Kashmir state? Second, why and how did they fall out again?

The Shimla Agreement had closed the plebiscite option and removed the Pakistan factor from Kashmir's internal politics. Sheikh Abdullah relinquished the goal of a sovereign Kashmir and abandoned the demand for self-determination in favour of political autonomy. What were the political dynamics of reconciliation between Kashmir and the Indian State?

THE RAPPROCHEMENT

Sheikh Abdullah needed to wield state power to secure political autonomy of Kashmir and realize Kashmiris' political aspirations. But unlike as in the 1950s, there were no trump-cards left to elicit concessions from the centre. Without an agreement with Mrs Gandhi, Sheikh Abdullah would not be allowed to participate in the electoral process as had been indicated by the 1972 elections. He, however, wanted to contest those elections and was willing to swear by the Indian Constitution. But that was not enough. The central government suspected that the Plebiscite Front could win the elections and wreck the Constitution from within. The Sheikh was, therefore, detained at New Delhi and the Plebiscite Front was banned and barred from contesting elections. Chief Minister Mir Qasim acknowledged that 'if the elections were free and fair, the victory of the Front was a foregone conclusion. And as a victorious party, the Front would certainly talk from a position of strength. This would

irritate Mrs Gandhi who might give up her wish to negotiate with Sheikh Abdullah. That in turn would lead to a state of confrontation between the Centre and the Jammu & Kashmir government.²¹

The past experience of the Kashmiris was not encouraging. Some characterized the Sheikh's compromise as 'the taming of the Sher-e-Kashmir (Lion of Kashmir)'. But frustrated with the centre-sponsored Kashmiri leadership and not quite enamoured of Mirwaiz Farooq's *Muslim* politics, the Kashmiris continued to repose faith in Sheikh Abdullah when he struck a deal—the Kashmir Accord—with the centre paving the way for his return to power in the state.

While the centre enjoyed an upper hand, Sheikh Abdullah's active participation was still necessary because in the preceding two decades successive governments in Srinagar and New Delhi had failed to secure the emotional integration of Kashmiris into the Indian nation. Without Sheikh Abdullah's support, the constitutional integration of Jammu & Kashmir state lacked political legitimacy for Kashmiris. New Delhi's protégés, Ghulam Mohammad Bakshi, Ghulam Sadiq and Mir Qasim, together had failed to purge the idea of plebiscite from the Kashmiri psyche. Mrs Gandhi recognized the 'desirability and necessity'²² of negotiating with Sheikh Abdullah because he alone could bring about its political and emotional integration with the Indian national mainstream. The Kashmir Accord, signed in 1975, worked because both Sheikh Abdullah and the central government realized that each needed the other's cooperation to achieve its political goals. Mrs Indira Gandhi proved to be more than a match for the Sheikh—he accepted Jammu & Kashmir as a 'constituent unit of the Union of India' and was told clearly that Article 370 could not be restored to its original form. The Kashmir Accord ratified the constitutional integration of Kashmir and provided for the Indian Parliament to continue making laws relating to 'prevention of activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about secession of a part of the territory from the Indian Union or causing insult to the Indian National Flag, the Indian National Anthem and the Constitution.'²³

Parliament retained jurisdiction to legislate on the Union list of subjects, and the provisions of the Indian Constitution already applied to the state remained unaltered. Regarding the concurrent list, the state government could review the laws made by Parliament or extended to the state after 1953, and amend or repeal them, but these could not be repugnant to any provisions of the laws made by

Parliament under Article 254 of the Constitution of India. The Accord curtailed the powers of the state assembly in specified matters of importance, including elections and governors' appointment and terms of office. The decisions of the state assembly could not become effective without the consent of the President of the Indian Union. Even symbolic political concessions of reverting the designations of Governor to *Sadar-i-Riyasat* and Chief Minister to *Wazir-i-Azam* were not conceded. Nor was the Kashmiri leadership's plea to make Kashmir's special status permanent accepted by the central government. All that the Kashmiris got was the continuation of Article 370 on the statute book, that too in truncated form, because the promised review of all Acts and Ordinances passed since the Sheikh's arrest never took place.²⁴

This rapprochement was accompanied and backed by reconciliation between Jammu and Ladakh regions and the state. At the All Kashmir Peoples Convention in 1968, Sheikh Abdullah had shown better understanding and appreciation of Jammu's and Ladakh's political aspirations. Unlike the 1952 Delhi Agreement, he now sought their cooperation for implementing plans for decentralization and devolution of powers in the state and made a pledge at the swearing-in ceremony on 24 February 1975: 'On my part, I will make a sincere effort to ensure that all the three regions not only have equal opportunity for full and speedy development but that the people in every part of the state have a sense of full participation in the political affairs of the state.'²⁵

CHANGING CHARACTER OF THE INDIAN POLITY

This bonhomie in centre-state and state-region relations, however, did not last long. The undercurrents of tension rooted in differing assumptions and expectations of a single nation state and multiple identities lingered on. The changing character of the Indian polity needs to be examined in order to understand its relationship with Kashmir.

Differences between Nehru's and Indira Gandhi's Agenda

Under Nehru, the Indian federal structures had worked through federalism within the Congress party rather than through constitutional channels. The dominance of the Congress at the centre and in almost all the states had ensured homogeneity of power between the

two. Plurality within the Congress made it more representative and flexible by internalizing political dissent and creating a competitive mechanism within the consensual framework of the party. The state-level leaders enjoyed considerable political autonomy from the centre. Mrs Gandhi, on the other hand, sought to create a highly personalized and centralized political system in trying to 'make those responsible for Parliament, the courts, the civil services and the federal system answerable to her'.⁶ Within the Congress, she marginalized the party organization and established personal control through dominance of its central arm coupled with authoritarian and centralized direction of the state party units. Unlike Nehru, who 'preferred to deal with strong Chief Ministers in control of their legislative parties and state party organizations, Mrs Gandhi set out to remove every Congress Chief Minister who had an independent base and replace them with Chief Ministers personally loyal to her'.⁷

A top-down system of governance in the party and the government established through a wilful dismantling of the state's bureaucratic as well as political institutions resulted in a decline of their capacity for reconciling conflicting interests, generating consensus and legitimacy, and for responding creatively or even adequately to the pressures from society. A paradoxical consequence of Mrs Gandhi's centralization drive was 'to diminish the legitimacy and effectiveness of the state and weaken her because in absence of an effective institutional apparatus, she found it hard to translate her populist goals into policy outcomes'.⁸

Further, the Congress strategy of building electoral majorities had traditionally revolved around forging patronage links with the wealthy urban and rural elite who were a minority, but a minority with the status and power to influence the electoral behaviour of a majority of the middle and lower rural strata. But de-institutionalization and organizational weakness of the Congress undermined the effectiveness of the party's regional machines as distributors of resources. Political awakening among the electorate, specially the rural poor, in the 1970s had resulted in their emergence as an independent and significant political force; they no longer voted as suggested by those locally influential, 'rendering the old Congress system of patronage chain-of-big men infructuous in mobilizing an increasingly fragmented political society'.⁹ The Congress dominance gradually gave way to a more differentiated structure of party competition bringing opposition parties to power in many states. The

new electoral strategy of the Congress for harnessing electoral majorities used emotive themes such as 'Indian nation in danger' from the opposition parties. Regional parties, in particular, were attacked as anti-national forces while the Congress party was projected as the only effective bulwark against the disintegration of the country. Mrs Gandhi's Congress had resurrected and re-interpreted the pre-Independence notion of the Congress being an 'embodiment of the Indian nation'. According to this logic, 'since [the] Congress represented the nation, opposition parties should be seen not just as anti-Congress but as anti-national'.¹⁰

Nehru's conception of the Indian State and relationship with the sub-national identities was very different from that of Mrs Gandhi. Nehru's project was essentially that of nation building, with the primary objective of ensuring the allegiance of sub-national identities to the Indian nation in order to preserve the political and territorial integrity of the Indian State. Therefore, he created a federal structure constitutionally subordinating the sub-national identities to the Indian State; but recognizing the plural realities of a diverse society, they were allowed adequate political space to grow *within* the Indian polity. The institutionalized process to deal with centre-state conflicts favoured 'inclusionary over exclusionary strategies as long as the demands were non-secessionist, secular in character and met with the approval of more than one side in conflict'.¹¹

Mrs Gandhi's state policies were driven by the much narrower political objective of keeping herself and the Congress party in power. In the changing Indian polity where the regional political parties' successful mobilization of linguistic, cultural and ethnic identities was eroding the Congress base in many states, she viewed accommodative strategies as threatening to Congress' electoral prospects and her personal hold on power. Mrs Gandhi, therefore, systematically destroyed political institutions and adopted a highly confrontational posture towards demands for political autonomy by sub-national identities. Her regime was marked by considerable discord and dissonance in centre-state relations.

Even the Nehruvian Indian State had felt threatened by the political demands of sub-national identities and had taken upon itself the task of protecting the Indian nation. Nehru did not hesitate in coercing the sub-national identities into submission for the sake of national interests, but *he had India's interests in mind*. On the other hand, Mrs Gandhi's identification of the Indian nation with the

Congress party meant that she suppressed the sub-national identities to safeguard the political interests of the Congress party rather than those of the Indian State.

Nehru recognized the plurality of the Indian nation and vehemently rejected any attempts at homogenization by the Hindu nationalists. When he sought subordination of sub-national identities, only the primacy of the national interest mattered. In contrast, Mrs Gandhi sought total submergence of sub-national identities, because to concede the idea of Bengali or Tamil or Punjabi identity in principle would bestow political legitimacy on the demands of regional political parties which had mobilized such identities into electoral majorities in the states. In her attempts to homogenize the Indian nation by negating its diversity, repudiating sub-national identities by forcing them to become *only* Indian, and in identifying the Indian nation with the Congress party, Mrs Gandhi's regime had arrived at a particularly narrow conception of the Indian identity. The more she tried to tighten her grip on sub-national identities, the more assertive they became. Often the result was volatile regional movements demanding outright secession.

SEEDS OF DISCORD IN KASHMIR

It is against this background that the differing presuppositions, calculations and expectations of Kashmiris and the Indian State need to be understood. In 1952, Nehru was willing to concede political autonomy to Kashmir, but Sheikh Abdullah aspired for a sovereign and independent state. When he became willing to accept Kashmir's special status in the Indian Union in 1975, Mrs Gandhi wanted its complete subordination. So, according to Mrs Gandhi 'the Accord provided scope for further application of the Indian Constitution to the state', while Sheikh Abdullah considered the Accord as 'the first step towards restoration of [the] pre-1953 constitutional position of the state'.¹²

Their political calculations also diverged. The Sheikh had agreed to disband the Plebiscite Front but demanded dissolution of the state assembly and fresh elections in order to be able to come back to power and form a democratically elected government. Mrs Gandhi would not hold mid-term state elections. That the Congress might be wiped out in Jammu & Kashmir, as would be proved two years later in the 1977 elections, was not acceptable to Mrs Gandhi. She later told Mir Qasim: 'For me, the (1975) accord was, and remains a

method of fruitful co-operation among all the secular and patriotic forces in the state. *It certainly did not mean that the Congress would fade into oblivion.* I did not and cannot accept this interpretation of the accord.'¹³ (emphasis added)

She was keen to co-opt Sheikh Abdullah and the National Conference into the Congress fold, and, accordingly, wanted him to be elected as the leader of the Congress parliamentary party—Sheikh Abdullah had initially agreed to join the Congress but, later, Mrs Gandhi changed her mind.¹⁴ She was persuaded to believe that he would destroy the Congress base because the party cadre would then owe allegiance to him and not to the central leadership. When the Congress offered him outside support, he revived the National Conference. This created an incongruent situation.

The Sheikh became Chief Minister solely on the legislative support of the Congress and functioned as the president of the National Conference. A clash was inevitable. It came with Mrs Gandhi's defeat in the 1977 national elections and the Congress' withdrawal of support to the Abdullah government. Kashmiris perceived it as 'stabbing Sheikh Abdullah in the back' and Abdullah accused the Congress of betraying him as he had accepted Mrs Gandhi's proposal of an electoral understanding for the state parliamentary elections. The rift marred the Kashmir Accord; it was due mainly to a flawed approach in understanding the conflict of political interests between two political parties—the National Conference and the Congress—as a clash between Kashmir and the central government or often as Kashmir versus India.

Schism between the Valley, and Jammu and Ladakh

Political divergences at the centre-state level were accompanied by growing schisms between Jammu & Kashmir state and Jammu and Ladakh regions. After coming to power, the Sheikh neither fulfilled commitments of creating federal structures and reorganizing the constitutional set-up of the state, nor was he willing to share political power by accepting demands for regional autonomy. The regional grievances of inadequate share in the state's development allocations persisted. In a repeat performance of his first stint in office, all office-bearers of the National Conference party organization came from the Valley. One minister of state represented Jammu in the cabinet. Kashmir Valley had continued to be Sheikh Abdullah's primary constituency, and, deprived of their due share in state power, Jammu

and Ladakh started asserting their regional identities. The political forces in the state were, once again, divided along regional lines.

The 1977 State Elections: Regional Polarization

In the 1977 state elections, the National Conference's main plank was restoration of Kashmir's autonomy, an objective Abdullah had failed to secure fully in the 1975 Accord, the people were urged 'to prove that Kashmiri nationalism cannot be undermined by conspiracy [of New Delhi] . . . only the people of Kashmir can decide about their future'.¹⁵ Elections were equated with plebiscite. The Sheikh accepted that 'Kashmir was a part of India and Kashmiris were Indians', but also warned that 'if we are not assured a place of honour and dignity in India, we shall not hesitate to secede'. It was this rebellious streak in Sheikh Abdullah that endeared him to the Kashmiris. The Congress, with the reputation of being an instrument of the centre's dominance, stood little chance in the Valley, although, for precisely those reasons, it was popular in Jammu and Ladakh. The Janata Party sent confused signals, divided as the conglomeration was between the Jan Sangh and the left. When the leadership hinted that Abdullah was too old to rule, Kashmiris rallied around him and instantly 'it became a question of Kashmir versus India'.¹⁶ The results confirmed the polarization of political forces. The National Conference swept the Valley with 42 seats, but all the candidates, without exception, lost their security deposits in the Hindu-majority constituencies of Jammu. The Congress was cut to size, getting only 10 seats (with none in the Valley), and the Janata Party got 13 with 2 in Kashmir.

Following the brief interlude of the Janata government, Mrs Gandhi was returned to power in 1980 and the relationship between the Kashmir identity and the Indian State continued to develop within the paradigm of Congress-National Conference relations. Sheikh Abdullah supported the Congress party in the 1980 parliamentary elections. Despite a good personal rapport between the two leaders, political differences between the parties persisted and were accentuated by growing communalization of the political process both at the central and at the state level.

COMMUNALIZATION OF POLITICAL PROCESS

By the early 1980s, the electoral strategy of the Congress of projecting the image of the Indian nation in danger from the so-called 'anti-national' opposition and regional parties had developed communal

and rightist overtones in its reformulation as India's 'Hindu majority in danger' from anti-national Muslim and Sikh minorities. The Congress anticipated its main political threats from the Bharatiya Janata Party (BJP), a Hindu rightist party. The leadership felt that a confrontational posture towards the overwhelmingly Muslim National Conference in Kashmir and Sikh extremists in Punjab might gain them the support of the Hindu vote in north India. The Congress, therefore, embraced themes that had traditionally belonged to the Hindu chauvinist right.

In Jammu & Kashmir, the Congress aroused the fears of the Hindu and Buddhist minorities in Jammu and Ladakh respectively against the Muslim-majority Valley. During a visit to Jammu in 1981, Mrs Gandhi sympathized with the Jammu Hindus for feeling insecure in a Muslim-majority state. The second part of the strategy was to foment religious extremism in order to undercut the support base of the secular and moderate National Conference.¹⁷ It is important to note that Mrs Gandhi had not allowed the ban of the Jamaat-i-Islami because it did not accept the finality of the state's accession to India whereas a secular though politically competitive Plebiscite Front was declared an illegal organization and barred from contesting the 1972 assembly elections on the same grounds.

Rise of Jamaat-i-Islami

Mir Qasim corroborates that in order to deter any political challenge to the Congress in the 1972 elections, it had 'enlisted the services of Jamaat-i-Islami to fill the vacant political space' and allegedly guaranteed its success in five constituencies.¹⁸ He allowed the Jamaat-i-Islami to build up in the Valley and the Jan Sangh in Jammu. By helping the Jamaat establish a foothold in the Valley, the Congress strategy was to develop it as an alternate power centre to undermine the secular appeal of the National Conference and to use its Islamic leanings as a bogey for raising apprehensions among the minorities of Jammu and Ladakh. The larger the Jamaat's Islamic threat loomed, the more credible would be the appeal of the Congress in acting as a guardian of minorities' political interests in Jammu and Ladakh.

Thus, in a complete reversal of Nehru's philosophy, Mrs Gandhi's policies made religion pre-eminent to a political process that had been carefully nurtured as a secular undertaking. It legitimized religion's politicization for electoral ends, opening the floodgates for more conservative and rightist political parties to enter the arena of state politics. More significantly, it had the effect of propping up

Kashmiris' *Muslim* identity as a counterweight to the secular Kashmiri identity, little realizing that religious identity in the Kashmiri context always nurtured extra-territorial loyalties towards Pakistan and, in the long run, would pose a much more serious threat to the Indian State.

Although the process had started with the formation of the Awami Action Committee in the aftermath of the relic agitation in 1963, it first received constitutional recognition and political legitimacy after the Jamaat's electoral success in the 1972 elections. From the mid-1970s onwards, the Valley was marked by a spirit of mosque building and opening of madrasas (religious schools) introducing a much more conservative Sunni Islam to Kashmiri society. Syed Ali Shah Geelani, chief of the Jamaat-i-Islami, acknowledged that initially children of Jamaat-i-Islami's members were inducted into 200 to 250 madrasas.¹⁹ After 1975, they started distributing Islamic literature to other schools and colleges and began to publish a monthly newspaper that gradually became a daily. Geelani also recruited several Jamaat-i-Islami teachers into government schools. Mir Qasim had allowed the Jamaat's penetration into the civil services, specially the police, that continued even during Sheikh Abdullah's and Farooq Abdullah's reigns.²⁰ Meanwhile, sudden access to petrodollars in most conservative Arab countries (particularly Saudi Arabia) helped in making substantial resources available for Islamic causes. The Jamaat-i-Islami's support base extended to the rural areas of Shopian, Sopore, Baramulla, Anantnag, Doda and areas around Jama Masjid in Srinagar.

The timing of the Jamaat's rise is particularly important because the Valley was nurturing a new generation of educated Muslim youth whose political thinking was shaped by contemporary developments in the Islamic world, and who were not conversant with the historic solidarity between Kashmiri and Indian values during the independence struggle. The International Seerat Conference organized by the Jamaat-i-Islami in May-June 1980, attended by the Imam of the Ka'aba, was one such ambitious attempt to expose them to pan-Islamic ideology. The failure of the Kashmiri and Indian economies in providing the youth, whose numbers had swelled due to dramatic improvement in education through central grants, with gainful employment 'created a reserve of impressionable educated men who, soon to be exposed to the blatant political and institutional intrigues of the late 1980s were much more susceptible

to Jammat's ideology in looking towards Islam to guide them in their search for good and accountable government'.²¹

Role of the National Conference

During Abdullah's regime, the Jamaat's Islamic appeal was restricted to small pockets. The Sheikh said, 'I am fighting an in-depth battle. Jamaat has to be resisted politically and fought back socially.' He described their schools, the *darasgahs*, as 'the real source for spreading communal poison' and ordered their closure in 1975. Some analysts, however, believe that the ban on madrasas failed to stall the growth of the Jamaat's ideology for two reasons. First, Jamaat-i-Islami teachers were absorbed into government schools that offered them a new and wider platform to propagate their ideology. Second, madrasas were rechristened as English medium schools and continued to operate.

Sheikh Abdullah also banned the World Islamic Youth Council planned by the Jamiat-ul-Tulba, the youth wing of the Jamaat-i-Islami, in August 1980. The electoral base of the Jamaat dwindled during the National Conference's rule. The five seats won with substantial margins in 1972 were reduced to one in the 1977 assembly elections. Interestingly, while Sheikh Abdullah warned Mrs Gandhi against raising communal anxieties in Jammu and Ladakh in 'the war among parties [which] should not harm our national interests' and pointed out, 'my ancestors were Hindus. In Kashmir, we have the same blood, all are brothers and continue to have the same culture',²² he too used religion for political ends. From the 1930s the Sheikh had appealed to the Muslim psyche for mobilizing Kashmiris; the Hazratbal shrine was his political platform from which he swayed the masses with political speeches interspersed with recital of Koranic verses.

The National Conference's campaign for the 1977 elections proclaimed openly that voting for the Janata Party would mean voting for the Jan Sangh (a constituent unit of the Janata Party) 'whose hands were still red with the blood of Muslims'; and if the Janata won elections 'Islam would be in danger, for its enemies would capture the citadels of political power'.²³ The party leaders administered oaths to the common people on the holy Koran and a piece of rock salt, the symbol of Pakistan in Kashmir, to vote for the National Conference. Mirza Afzal Beg promised to open the 'lower road'—Srinagar-Rawalpindi road—to traffic. Ulemas from UP and Bihar

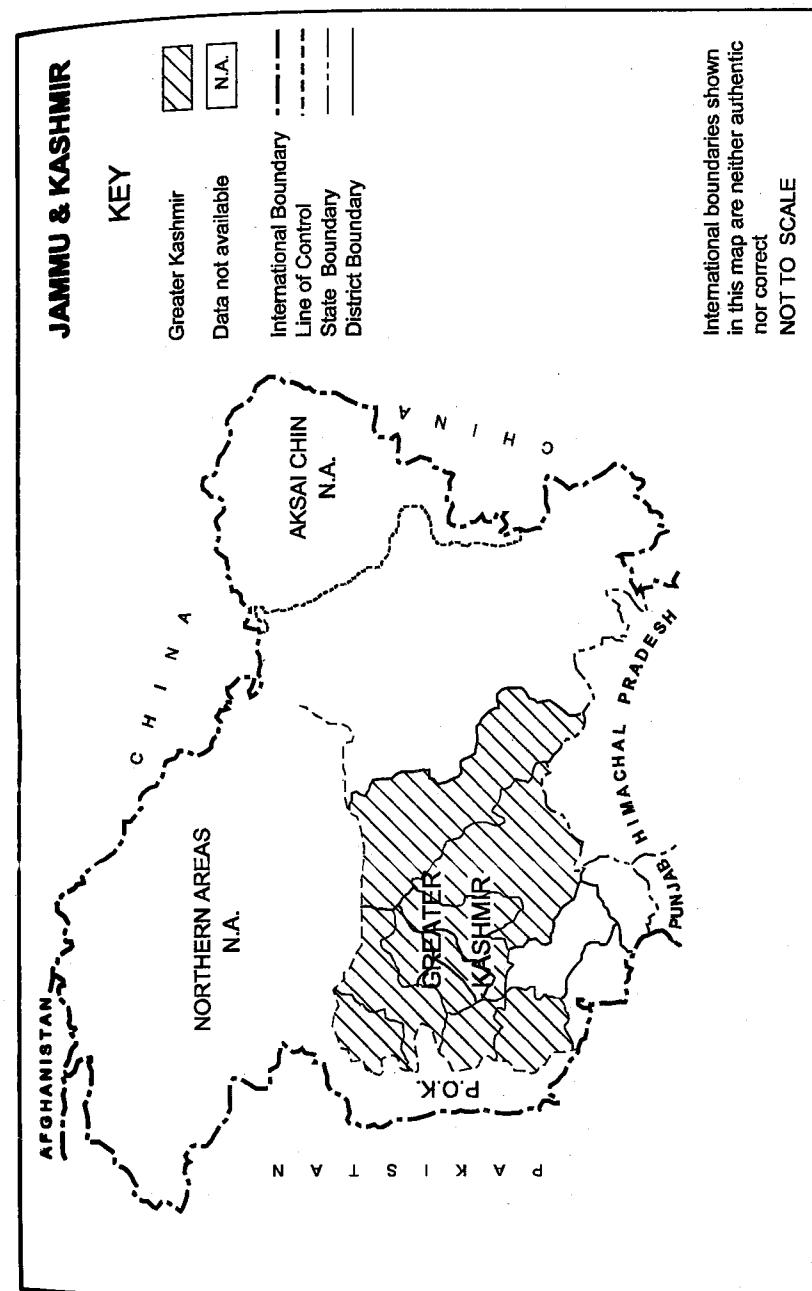
were brought to campaign in the areas of Rajouri and Poonch. While Sheikh Abdullah had resisted the growth of religious political parties in the Valley challenging his power base, he had done little to secularize the politics of Jammu and Ladakh. On the contrary, the National Conference and the Jan Sangh formally shared power in running the Jammu Municipal Council and had an informal understanding in allotment of seats in technical institutions and quotas of jobs.²⁴

Greater Kashmir

After securing a landslide victory, Sheikh Abdullah sought territorial expansion of the Kashmiri identity's support base by encompassing all Muslim-majority areas of the state into what has been called 'Greater Kashmir'.²⁵ Map 4 depicts the geographical expanse of 'Greater Kashmir'. The Sheikh's decision to bifurcate Ladakh district into a Buddhist Leh district and a Muslim Kargil district in 1979 was perceived in this light. Earlier in the 1950s, the Muslim-majority Doda district was carved out from the Hindu-majority Udhampur district in Jammu region. Evidently, the only common factor binding the people of Kashmir Valley with those living in Doda, Rajouri and Poonch districts of Jammu region and Kargil district of Ladakh under the umbrella of 'Greater Kashmir' was not Kashmiri culture or language but their *religious affinity*. They were all Muslims. Even though Sheikh Abdullah's appeal to Kashmiris' Muslim psyche was different from the Jamaat's Islamization drive, the bottom line was that both politicized religion for political purposes.

JAMMU AGITATION

Sheikh Abdullah's obsession with empowering the *majority community*, the Kashmiris, at the cost of the minorities in Jammu and Ladakh led to growing discontentment and sparked off another confrontation. In Jammu, the police firing on student demonstrations against irregularities in the recruitment of teachers in Poonch on 2 December 1978 triggered a mass regional agitation. Sheikh Abdullah agreed to a judicial probe and undertook to rectify irregularities committed in the selection of teachers, but he developed cold feet when the All-Party Jammu Action Committee, formed by major political parties, enlarged the scope of the agitation to demand regional autonomy. The committee adopted a unanimous resolution on 26 December 1978, demanding statutory, political and democratic



MAP 4 : GREATER KASHMIR

set-ups at the regional, district, block and *panchayat* level.

In a complete reversal of his earlier stand, Sheikh Abdullah refused to share state power with its constituent regions. He denounced the movement as 'directed against Kashmiris' and spurned any dialogue on the question of 'regional imbalances'.²⁶ The government dismissed demands for internal political autonomy on the pretext that the Gajendragadkar Commission had already rejected it, but, at the same time, it ignored the same commission's recommendation that each region's population, area, specific needs and potential available should be taken into account in determining the share of resources.

The state government, instead, argued that Jammu and Ladakh had been getting more than their due share in development allocations during Sheikh Abdullah's regime and issued statistics, shown in Table 6.1, to present the official case.²⁷

The catch was that the 'due' shares of Jammu and Ladakh were calculated only on the basis of population. For instance, in the case of Ladakh, with a density of two persons per square mile, the figures were obviously misleading. Moreover, the state government argued that central grants be given on the basis of area and not population, but reversed the logic in making allocations within the state.²⁸

For the first time, major political parties joined hands to seek redress of Jammu's grievances vis-à-vis the Valley and were supported by the national leadership. Madhu Limaye warned Sheikh Abdullah against misinterpreting the movement as a law and order problem or a communal disturbance. He said:

While I have always appreciated your struggle to secure a democratic and autonomous Kashmir within a democratic, secular and forward looking India with a view to ensuring its being a willing and emotionally integrated part of the country, I also recall your numerous past commitments in favour of the similar autonomy to the three regions of the State to ensure Jammu & Kashmir state's integrity and unity—emotional and political. In fact the best guarantee for the special status of the state is the willing support of all the

TABLE 6.1: DEVELOPMENT ALLOCATIONS TO JAMMU, THE VALLEY AND LADAKH (1975-9)

Financial year	Due outlay (Rs lakhs)			Actual outlay (Rs lakhs)		
	Jammu	Kashmir	Ladakh	Jammu	Kashmir	Ladakh
1975-6	1,725.77	2,025.17	87.53	1,812.59	1,753.88	271.00
1976-7	2,256.78	2,648.30	114.45	2,217.06	2,308.47	360.00
1977-8	3,217.80	3,776.05	163.20	3,102.83	3,584.22	470.00
1978-9	4,107.99	4,820.68	208.30	4,431.84	4,012.99	692.14

people of all regions for it by granting each of them some sort of internal autonomy.²⁹

Jayaprakash Narayan appealed to students, the Action Committee and Sheikh Abdullah to resolve their differences. However, the agitation soon petered out because it lacked unity of purpose and effective leadership. Balraj Puri's faction stressed structural changes through constitutional and institutional arrangements for an equitable share of political power between and within the three regions. Others favoured the appointment of a committee of experts to study the problem of imbalances. It took eight long months for the Jammu Action Committee to agree upon a common proposal. Puri accused the Jan Sangh of derailing the movement through open condemnation by one section while another section that had joined the agitation 'sabotaged it by giving up the main demand' and striking an agreement with Sheikh Abdullah 'bypassing the Head of Jammu Action Committee'.³⁰

Sikri Commission

The state government got off lightly by appointing a commission, headed by Justice S.M. Sikri, to suggest measures for redressing regional imbalances in development allocations, government services and admissions in professional institutions, and declined to consider any constitutional changes to satisfy the political aspirations of the regions. The Sikri Commission's major recommendations included setting up of a State Development Board with the Chief Minister as chairman along with some Members of the Legislative Assembly (MLAs). It devised a new formula for financial allocations to the regions based on their population, area, backwardness and natural resources; advised against reservations in government services on the basis of community, caste or district; and recommended scrapping of interviews in admissions to professional institutions. The Sikri Commission Report met the same fate as that of its predecessor; it was never implemented by the government.

LADAKH AGITATION

In a strikingly parallel development in Ladakh, police firing and lathi-charge of Buddhist agitators protesting against the decision of the district authority to transfer a diesel generator from Zaskar to Kargil snowballed into a mass agitation. People of different shades of

political opinion closed ranks and set up the All-Party Ladakh Action Committee to express solidarity with the people of Zaskar and demanded regional autonomy from Kashmir Valley. The state government was accused of treating them as slaves. Demanding divisional status for Ladakh, the people sought a declaration that their 'homeland' become an autonomous region in the state. Following student demonstrations in Poonch, the Ladakhi Buddhists, for the first time, resorted to violence. The protestors, including monks, held public meetings and pelted stones on being lathi-charged and teargassed by the police. Later, the Border Security Force (BSF) and Central Reserve Police Force (CRPF) units were flown to the affected areas. On 5 January 1981, the Ladakh Action Committee launched a full-fledged agitation.

Initially, the state government responded positively and appointed a ministerial sub-committee to look into their grievances. The cabinet committee held detailed parleys with the Ladakh Action Committee from 12 to 15 January 1981 on a wide range of subjects. They included plan allocations on a rational basis rather than on the existing population basis, commissioning of hydel projects, improved communications, adequate reservation of seats in professional institutions, marketing facilities, construction of small dams, industrial development, tourism, transport facilities, irrigation projects, development of culture and language and the status of Scheduled Tribe for Ladakhis.³¹ The state government promised to request the central government to grant tribal status but resisted sharing of political power with Ladakh. Citing the Sikri Commission Report, Sheikh Abdullah denied regional imbalances and discrimination suffered by Leh district. The Ladakh Action Committee criticized the government's unrealistic yardstick for making development allocations ignoring the region's enormous size, scanty population, difficult terrain and general economic backwardness.³² Sheikh Abdullah's claim that Ladakh's problems were being looked after by a separate Ladakh Affairs Ministry did not stand scrutiny, because, except for brief interludes, the ministry was always headed by a non-Ladakhi and did not enjoy all powers and responsibility in respect of Ladakh.

Frustrated by the state government's apathetic attitude and delaying tactics, the Ladakh Action Committee resumed its agitation on 15 January 1982. There were violent clashes between the demonstrators and police and Leh district experienced its first curfew for four days. In sub-zero temperatures, 10,000 people gathered to attend the

funeral of the first martyrs. In a meeting with Prime Minister Mrs Gandhi, Kushak Bakula and P. Namgyal reiterated demands for regional autonomy and tribal status. They argued that one-member representation of Leh district in the state assembly was inadequate, and underlined the need for delimiting the district into four assembly segments—Leh, Nubra, Changthang and Sha—and a separate parliamentary seat for Leh district.³³ Sheikh Abdullah's government did not concede any of the demands of the Ladakh Action Committee.

Subregional Differences

Significant intra-regional political differences in Ladakh emerged during this agitation. Notwithstanding the nomenclature of the All-Party Ladakh Action Committee and demands for regional autonomy of Ladakh region and tribal status for the Ladakhis, its predominantly Buddhist character was not coincidental. A parallel Kargil Action Committee constituted by the National Conference and the Congress raised a different slogan—'provincial status for the two districts of Leh and Kargil' on the pattern of Jammu & Kashmir divisions.³⁴ The state government used it subsequently to reject the demand for regional autonomy on the plea that all Ladakhis did not want it.

The political equation between the state and its smaller regions remained at odds. Sheikh Abdullah's desire to empower Kashmiris, the majority community, allowed little political space for the minorities in Jammu and Ladakh, hence, the demand for regional autonomy from Kashmir Valley. When he was out of power, he had sought cooperation of Jammu and Ladakh in order to present a common front vis-à-vis the centre. After acquiring state power he backtracked from commitments of sharing political power equitably with the constituent regions. At the centre-state level, the relationship between Kashmir and the Indian State was underlined by the continuing tussle for power between the National Conference and the Congress.

1983 STATE ELECTIONS: COMMUNAL POLARIZATION

After the Sheikh's death in 1982, Mrs Gandhi proposed an electoral alliance to his son Farooq Abdullah in the 1983 state elections. Farooq was perceived to be more pliable. But it was a tall order for Farooq

who simply did not have the same charisma as his father, or hold over the Kashmiris. The National Conference leadership realized that, 'if they agreed to such an alliance, the National Conference would . . . gradually be wiped out'.³⁵ Farooq won accolades in the Valley for not succumbing to the political pressures of the central government and the Congress party but he antagonized Mrs Gandhi who had high stakes in these elections. Following defeat in the Karnataka and Andhra Pradesh elections in January 1983, the Congress-I looked to northern and central India for winning the next parliamentary elections.³⁶ This was also Mrs Gandhi's last opportunity to prove her uncanny capacity to prevail over increasingly assertive regional voices.

The hallmark of the 1983 elections was communalization of the state's political process, with all political parties resorting to religious appeals to engineer electoral majorities. In a bid to harness the Hindu majority of north India—the Hindu heartland—and within Jammu & Kashmir state, the majority of Jammu Hindus, Mrs Gandhi conducted an aggressive campaign with a distinct pro-Hindu bias. 'The theme in Jammu was to persuade the residents that it was really a part of *Hindu India* and had, therefore, been neglected by Muslim *Kashmir*'.³⁷ She exploited the anger of the people against the Resettlement Act claiming that it would be nothing short of disaster for poor neglected Jammu; Muslims who had left in 1947 for Pakistan would be allowed back and Jammu would continue to be treated like a stepchild. Arun Shourie observes that the Congress strategy was 'to foment division, create insecurity and fear and thus reap the fear vote and use it to convince the rest of the country that disintegration, chaos are imminent. And thus, as they are the only available guarantors of order, continuity and stability, all desperate for stability-at-all-costs should flock to them'.³⁸ Besides, there was careful planning in deputing Muslim leaders in Muslim areas and north Indian Hindus to fight the BJP on its home ground in Jammu.

On the other hand, Farooq Abdullah had aligned with Mirwaiz Farooq's Awami Action Committee, a party with pronounced Islamic leanings, though the electoral appeals focused mainly upon the theme of 'preserving the Kashmiri identity'. Farooq Abdullah projected the elections as 'a referendum on who should rule Jammu & Kashmir: its own people, or the rulers of New Delhi functioning under the garb of President's rule'.³⁹ He reminded people of Sheikh Abdullah's belief in the National Conference being the 'preserver of Kashmir's honour', and appealed to Kashmiris to defend 'the fort of the National

Conference'. One election pamphlet equated the Congress with Maharaja Hari Singh—both had 'enslaved' Kashmiris. It was said: 'These forces should remember that Sheikh Abdullah had handed over his mission to me during his lifetime. They think if Farooq Abdullah is not stopped at this moment, he would teach the people of the state *the lessons of state autonomy, self-respect and a special identity*.'⁴⁰ (emphasis added)

The Jamaat-i-Islami had put up 35 candidates in the Valley. It denounced India as 'an occupation force in Kashmir' and the National Conference leaders as 'Indian dogs'. Raising the slogan of '*Hamaara leader—Rasool-Allah*' ('Our leader—the Prophet'), the Jamaat asked the people to bring an Islamic *nizaaam* (government) in Kashmir.⁴¹

The election results confirmed the regional and communal polarization of state politics. The National Conference won 38 seats in Kashmir Valley, 7 in Jammu and 1 in Ladakh. All seats (barring one) had a Muslim-majority character. The Congress-I won 23 seats from the Jammu region, 2 from the Valley and 1 from Ladakh. Out of the 26 Congress candidates, only 5 were Muslims. Both parties were getting increasingly identified with particular regions and religious communities. Significantly, with the Congress' appropriation of the Hindu nationalists' appeal and the National Conference's alignment with the Islamic forces, both the BJP in Jammu and the Jamaat-i-Islami in the Valley were wiped out. The BJP not only failed to win a single seat, most candidates forfeited their deposits; in all but four constituencies, its candidates failed to secure even a third position. A positive distinguishing feature of the elections was that plebiscite had become a non-issue, and unlike the Sheikh's threat of taking the issue outside India by talking of secession, Farooq's strategy was to canvass support in other corners of India. On being asked, '*Kya raishumari is election mein sawaal hai key nahin?*' (Is plebiscite an issue in these elections?) almost everywhere, the answer was an emphatic no. 'People said that the past was dead and they were participating in this election as Indians.'⁴² This would not last long.

DESTABILIZING FAROOQ'S GOVERNMENT

Farooq was never forgiven for the Congress' humiliating defeat at the polls and the latter assiduously followed a systematic and well-planned strategy to overthrow the government. Initially, Farooq was accused of rigging the elections, but when that did not carry weight,

the local Congress-I activists engineered law and order problems through a series of public demonstrations and agitations, with demands ranging from removal of unemployment to the dismissal of the government, and blamed the National Conference government for failure in maintaining law and order.⁴³ A publicity campaign was launched through the national press to dub Farooq's government 'anti-national and pro-Pakistan' for encouraging pro-Pak fundamentalist forces, electoral alliance with the Mirwaiz and allowing Sikh extremists to organize camps in Jammu & Kashmir state.⁴⁴ Careful analysis shows that most allegations were highly exaggerated and politically motivated. For instance, the Congress-I had sought an electoral understanding with the Mirwaiz, but when he sided with the National Conference he was labelled 'communal and pro-Pakistan'.⁴⁵ Similarly, Union Home Minister P.C. Sethi told Parliament that the Sikh camps were 'religious in nature' and were held in Himachal Pradesh and Punjab as well, but in a rejoinder to Farooq Abdullah he listed them as activities of anti-national elements in Jammu & Kashmir.

Farooq's decision to join hands with the national opposition parties and hold an Opposition Conclave in Srinagar in October 1983 proved to be the last nail in his coffin. Mrs Gandhi was not prepared to tolerate rival centres of power in states. This could have been welcomed as bringing Kashmir into mainstream Indian politics but that was not the kind of integration she wanted. It had to be a relationship of subservience, with her party in command. The centre gave a clear signal to the state Congress-I unit that Farooq would have to go, no matter how it was done. The next step was to encourage dissidence and engineer defections in the National Conference, and G.M. Shah, Farooq's brother-in-law, who had hoped to succeed the Sheikh was only too willing to oblige. When Governor B.K. Nehru questioned the constitutional propriety of dismissing Farooq's government, and warned against its political fall-out, he was transferred to Gujarat.

Dismissal

Jagmohan was then brought in as Governor with the specific intent of carrying out New Delhi's orders. G.M. Shah along with 12 legislators defected and Farooq Abdullah's government was dismissed on 2 July 1984. Jagmohan tried to counter the allegation but could not hide that the operation was planned and engineered in New Delhi.⁴⁶

Mrs Gandhi had apparently told Arun Nehru, 'I am not worried about the democratic norms, I am not going to kiss Kashmir away just because of them'.⁴⁷ Under the anti-defection law of the state, the defectors had automatically lost their right to vote in the Assembly, and that is why Farooq was never allowed to test the government's strength on the floor of the house. Jagmohan installed G.M. Shah's government supported by the Congress.

Farooq's arbitrary dismissal was the beginning of a new and much more volatile phase of Kashmiris' alienation. It shook their faith in the Indian State and rendered the electoral process meaningless—even dispensable—and sent a signal that 'any honest decision that the people may take in regard to the governance of the State could easily be set aside by the powers that be in New Delhi' as Puri observed. 'Sheikh Abdullah's dismissal [had] signalled the message that even if the Kashmiri people did not wish to remain within India, they would not be allowed to secede whereas the dismissal of Farooq conveyed the message that even if the people wished to remain within India, they would not be free to choose their own government'.⁴⁸

Farooq Abdullah was never hostile to the Indian State. He consistently maintained that Kashmir's accession was complete, final and irrevocable, and that he was an Indian through and through. Therefore, in castigating the Kashmiri identity as a threat and questioning Farooq's patriotism, the central government did not have Indian national interests in mind but the partisan political interests of the Congress party. The Congress wanted the National Conference to play second fiddle but Farooq Abdullah, backed by the people in the Valley, refused to oblige. An AICC (I) pamphlet, 'The Challenge in Kashmir' identified the root cause of the problem between the state and central governments: '[the] Sheikh would not allow Congress-I to strike a firm base in the Valley'.⁴⁹ A Jammu Congress leader gave away the game, admitting: 'We would have allowed [Farooq] to continue in office if he had confined his politics to the state. Not only was he allowing himself to be exploited by the Opposition, he was also permitting them to use the state's resources to attack Indiraji'.⁵⁰

Labelling the Congress opponents as anti-national had become a game, whereby Farooq's single meeting with JKLF activists like Amanullah Khan and Maqbool Butt in Azad Kashmir in 1974 was cited as conclusive proof of links with the secessionists. His younger brother, Tariq Abdullah, who had pleaded Pakistan's cause at the UN in the mid-1960s and remained a Pakistani national till the 1975

Accord, on the other hand was welcomed as a defender of secularism and nationalism when he joined hands with the Congress party. So it was with the new Chief Minister, G.M. Shah, and other Congress stalwarts such as Mohammad Shafi Qureshi, Maulana Iftikhar Ansari and Mohiuddin Salati with sordid backgrounds of opposing Kashmir's accession to India, supporting pro-Pak forces or being close to the Jamaat-i-Islami, who suddenly became patriots.⁵¹ The tables would turn again in 1986 when Farooq was re-christened a nationalist after he signed an electoral alliance with Rajiv Gandhi while G.M. Shah and his coterie were labelled communal and anti-national. Mrs Gandhi was playing with fire because asking the Kashmiris (specially Kashmiri Muslims) to 'wear a certificate of nationalism and prove their loyalty to India everyday was not only insulting⁵² but also dangerous because waiting in the wings were restive youth active in campuses of colleges and universities who would cause havoc in the Valley by unleashing the power of the gun against the Indian State.

It is important to note that given a democratic choice between the Kashmiri identity espoused by the National Conference and the Jamaat's Islamic ideology in the 1983 elections, the Kashmiris had given a clear mandate in favour of the former. It was only when Mrs Gandhi's regime would not allow Kashmiri identity independent existence and systematically undermined its political strength that political space was created for the dominance of the religious identity of Kashmiris. The role of the Congress in propping up the Jamaat in the early 1970s on one hand, and the exploitation of Hindu ideology to court Jammu's Hindus by generating communal anxieties against the Muslim-majority Valley on the other catalyzed the resurgence of the Kashmiris' Muslim identity. G.M. Shah's short-lived regime and Jagmohan's rule further intensified the process.

Shah's regime was highly corrupt, unpopular and infamous for the first communal riots in post-Independence Kashmir when temples and houses of Kashmiri Pandits were damaged in Anantnag district in February 1986. Balraj Puri, on a goodwill visit to Anantnag, observed that the communal incidents were not spontaneous but engineered through a planned campaign of rumour and said that 'while accusing fingers were raised against some members of secular parties, we found no evidence of the Jamaat-i-Islami'.⁵³ Shah was dismissed as arbitrarily as he had been appointed. Jagmohan's antipathy for Article 370 set the tone of his first stint in the governor's office at Srinagar; the conspicuous fall in the share of Muslims in government services and admissions to technical institutions

alienated Kashmiri Muslims.⁵⁴ The ban on sale of meat on Janamashtami invited open defiance from Qazi Nissar, the Mirwaiz of south Kashmir, who slaughtered sheep. Jagmohan's 'concurrence' with the central government's request to extend Article 249, empowering Parliament to legislate on matters on the State List through a Rajya Sabha resolution, made a mockery of the state's autonomy.

Jagmohan believed that the Kashmiri identity was a *threat* to the Indian identity and that it 'needed to be demolished' because as long as it existed 'it would be exploited by Pakistan and America'.⁵⁵ His failure to distinguish between Kashmir's secular identity and Muslim identity was a grave mistake because history had proved time and again that Pakistan had never been able to take advantage of the Kashmiri identity. On the contrary, Kashmir's secular beliefs always militated against Pakistan's Islamic identity. When the Indian leadership had accepted the reality of Partition, only Kashmiris had defied the logic of Partition and the two-nation theory. Pakistan had always sought to cultivate the religious identity of Kashmiris, and, ironically, Jagmohan's policies were instrumental in helping them achieve precisely that objective. Farooq aptly remarked: 'When Kashmir faces a choice between a democratic and secular India and an Islamic and military Pakistan, it will always choose India. It is only when it faces a choice between a repressive, communal India and an Islamic Pakistan that Islam may become a factor.'⁵⁶

Congress-National Conference Electoral Alliance

Farooq had never faltered in his commitment to Indian secularism as opposed to Pakistan's Islamic identity, but he blundered on home ground in compromising the Kashmiris by signing an accord with the Congress in 1986. He justified the decision in terms of a 'hard political reality'. He had come to accept that 'if I want to implement programmes to fight poverty . . . and run a government, I have to stay on the right side of the centre'.⁵⁷ A decade earlier, Sheikh Abdullah too had reached a similar conclusion: 'Jammu & Kashmir had to be on the right side of whatever party was in power [at the centre]. The state could not have a policy of confrontation with the centre [as that] would be disastrous not only for Jammu & Kashmir but also for the whole country'.⁵⁸ But the Sheikh jealously preserved the distinct position of Kashmiri identity in Indian politics whereas Farooq's action was widely perceived as total capitulation to the centre.

Even Farooq's dismissal had not undermined the National Conference's support base because the people in the Valley still backed him and rebuffed the centre's attempts to buy their loyalty. G.M. Shah could rule only by literally imposing curfew for the first 72 out of 90 days of his government. Farooq had also received full support from the entire political spectrum of the Indian opposition.⁵⁹ The Farooq-Rajiv Accord, however, denuded Kashmiris' secular political identity of its *raison d'être*. Kashmiris had always taken pride in standing up to political pressures from the Indian State (read central government), but Farooq's deal virtually bartered it away for the prize of power. The Accord was opposed in the National Conference Working Committee. A senior cabinet minister had said to Farooq: 'You will become Chief Minister of J&K but you will no longer be leader of [the] people of J&K.'⁶⁰ From 1984 to 1986, the National Conference had projected itself as a party of resistance to the centre's domination and painted the Congress as a 'usurper'. When the National Conference joined hands with the Congress, people felt they had surrendered. The Congress accord with Farooq should not be misconstrued as an understanding with the Kashmiris; the reality is that in one stroke Farooq lost the people's faith. Overnight he became a 'traitor' to the cause and no longer did he represent the people's political aspirations. In effect his betrayal 'blocked secular outlets of protest against governments both at the Centre and the State. Before the Accord was signed, the National Conference provided an outlet for the first and the Congress an outlet for the second kind of protest. The Accord destroyed the *raison d'être* of both the parties and forced all types of discontent to seek fundamentalist or secessionist outlets.'⁶¹

Paradoxically, the Congress success in forcing the National Conference to share political power in the state worked against the larger political objective of expanding its support base in the Valley. The strategy of the Congress in Jammu & Kashmir was inherently flawed. Mrs Gandhi's regime failed to realize that making the National Conference totally subservient to the Congress would neither serve the interests of the Indian State nor of the Congress party. The National Conference without mass backing could only be a lame-duck ally as was proved to be the case after the 1986 Accord. The Congress had a blemished record of undermining, punishing and betraying the Kashmiris, from Sheikh Abdullah's dismissal in 1953 to Farooq's in 1984, and also for foisting a series of unwanted centre-sponsored rulers in Srinagar. The Congress as an 'outsider'

stood little chance in the Valley where local loyalties were the key driving force. It was evident that the political vacuum created by a weakened secular identity of Kashmiris would be filled not by the Congress but by the *Muslim identity*.

Regarding the state's relationship with Jammu and Ladakh regions, Farooq Abdullah had made no structural changes. With an overwhelming majority in the state assembly and a mass political base in the Valley, he was under no pressure to concede regional autonomy. When Farooq was dismissed in 1984, no tears were shed in Jammu and Ladakh. Only the Valley responded to the National Conference call for a statewide bandh against the dismissal. In 1986, Farooq announced the appointment of a commission, headed by Balraj Puri, to work out the details of regional autonomy. But after the state elections, the BJP's opposition to autonomy was used as a convenient plea to wriggle out of the commitment. Puri remarks:

There are indeed striking parallels between the way New Delhi ruled over the State, and the way Kashmiri leaders ruled over Jammu. New Delhi failed to realize that Kashmiri identity is a source of strength for the national identity, nor did the Kashmiri leaders realize that a composite and harmonised identity built on the basis of regional characteristics was the surest guarantee of the overall Kashmiri identity. Just as discontent against the Central government in Kashmir often becomes anti-Indian, similarly discontent against the State government in Jammu often tends to become anti-Kashmiri and at times anti-Muslim, both in Jammu and Ladakh.⁶²

Most complications in Kashmir's relations with the centre can be traced to the un-reconciled and divergent regional aspirations within the state.

Muslim United Front

In the 1987 elections, the Kashmiri Muslim identity was mobilized by a broad coalition of Islamic groups called the Muslim United Front (MUF) mainly comprising the Jamaat-i-Islami, the Ummat-e-Islami led by Qazi Nissar, and Maulvi Abbas Ansari's Anjumane Ittehad-ul-Musalmeen. Other constituents, such as the Islamic Study Circle, the Muslim Education Trust, the Muslim Welfare Society, the Islamic Jamiat-ul-Tulba, the Majlis Tahafazul-ul-Islami, the Jamiat-ul-Hadis, the Shia Rabita Committee and the Idara Tahqiqat were essentially Jamaat-i-Islami outfits. The People's Conference of Abdul Ghani Lone and the People's National Conference led by G.M. Shah expressed solidarity but soon fell out. The MUF's primary objective

was to safeguard the interests of Kashmiri Muslims. Its constitution specified that 'it will be aloof from politics in so far as it will not involve itself in any non-Muslim political activity'. Kashmiri youth formed the bulk of the support base, primarily because the Jamaat had deeply penetrated educational institutions, from primary schools to the universities. The class base mainly comprised the wealthy sections of society, specially rich peasants, orchard owners and prosperous business groups.⁶³

While the Front constituents did not believe in secular politics, there were nevertheless two conflicting strands of thought in its early incarnation. The Jamaat's ideology focused upon reviving the fundamentals of Islam and ushering in *Nizam-i-Mustafa* (the Prophet's order of governance, or the Islamic way of life) and an Islamic state. It insisted that Kashmir's accession to India was not final and demanded self-determination while openly advocating accession to Pakistan. The youth wing, Jamiat-ul-Tulba, and affiliate organizations such as the Mahaz-e-Azadi, the People's League and the Tafusul Islam had a militant outlook and character. The Jamaat sought to Islamize the Kashmiris' identity in a radical and perhaps fundamentalist manner. Qazi Nissar, however, imparted a sharper edge to Kashmiri Muslims' religious identity though in Sheikh Abdullah's style, that is, for electoral ends—seeking votes in the name of Islam—for political, not ideological, reasons. Kashmir's accession was not an issue, and though the Nissar faction accused India of treating Kashmir as a colony and attacked the Sheikh's family for having exploited the Kashmiris, they were fighting essentially for the 'restoration of democratic rights of Kashmiri Muslims'.

1987 STATE ELECTIONS: BLATANT RIGGING

Farooq projected the 1987 elections as a referendum on the Accord, which he believed would ensure greater flow of central funds for the state's development. However, elections were not fought on the issue of the government's performance but on emotive issues like Kashmiris' identity, Muslim solidarity, *Nizam-i-Mustafa*, end of family rule, and settlement of the Kashmir question. Alarmed by the clear upsurge in the support for the Muslim United Front, the National Conference-Congress alliance rigged the elections and resorted to strong-arm tactics of beating up the MUF's electoral candidates and polling agents. The administration openly worked in favour of the National Conference-Congress alliance.⁶⁴

Despite the unfavourable manipulation of results, the Muslim United Front mustered 32 per cent of the valid votes as against 6.42 per cent in the previous elections. The share of the National Conference-Congress alliance, representing the secular forces, dropped sharply from 78.43 to 53 per cent. The Muslim United Front clearly emerged as the main alternative to the ruling alliance. As the polarization became sharper, the entire opposition vote of nearly 47 per cent with an anti-centre and anti-Congress bias tended to gravitate towards, and consolidate around, the Muslim United Front.⁶⁵ In a fair election the MUF would have won 10-20 seats at best and it would not have been able to dislodge Farooq Abdullah. George Fernandes stated that 'Kashmiris felt that not only would Delhi get rid of the government as it did in the case of Farooq, and would impose itself as it did through the accord, but would prevent for all times any expression of the people's will through fair and objective elections'.⁶⁶ Due to blatant rigging, the allegations appeared credible, eliciting popular sympathy.

Farooq was discredited in the Valley and ruled sans political legitimacy. The sanctity of the electoral process and Kashmiris' trust in Farooq, already declining after the agreement with the Congress, collapsed after these elections. Said Qazi Nissar, 'I believe in the Indian constitution. How long can people like us keep getting votes by exploiting Islam? We have to prove we can do something concrete. But this kind of thing simply makes people lose faith in the Indian constitution.' The common Kashmiri reaction was reflected by a shocked Srinagar lawyer and MUF voter, who said, 'I don't even pray regularly but. . . . If you take my vote away, I lose all faith in Indian democracy.'⁶⁷

History had completed yet another circle in Kashmiris' alienation from the Indian State. If the Accord had blocked secular and nationalist outlets of popular discontent, the elections blocked constitutional and democratic channels of protest as well. Kashmiris would now resort to violence to secure their political goals.

NOTES

1. Mir Qasim, *My Life and Times*, New Delhi: Allied Publishers, 1992, pp. 131-2. Mirza Afzal Beg's emphasis on the 'accession of 1947' was taken by the ruling Congress as a denial of the subsequent ratification of accession by the Constituent

- Assembly of Kashmir. Besides, he was yet to commit to the finality of accession and disband the Plebiscite Front.
2. Hari Ram, *Special Status in Indian Federalism: Jammu & Kashmir*, New Delhi: Seema Publishers, 1983, p. 106. For Mrs Gandhi's statement in the Lok Sabha on the Kashmir Accord, see M.J. Akbar, *India: The Siege Within*, New Delhi: UBSPD, 1996 edition, p. 188.
 3. For full text of the Kashmir Accord, see Appendix V.
 4. S.S. Anand, *Development of the Constitution of Jammu & Kashmir*, New Delhi: Light and Life Publishers, 1980, pp. 112-43.
 5. Balraj Puri, *Simmering Volcano: Study of Jammu's Relations with Kashmir*, New Delhi: Sterling Publishers, 1983, p. 62.
 6. L.I. Rudolph and S.H. Rudolph, *In Pursuit of Lakshmi: The Political Economy of the Indian State*, Chicago: Chicago University Press, 1987, p. 84.
 7. Paul Brass, *The Politics of India since Independence*, New Delhi: Cambridge University Press, 1994, p. 40.
 8. Atul Kohli, 'Centralization and Powerlessness: India's Democracy in Comparative Perspective', in *State Power and Social Forces: Domination and Transformation in the Third World*, Joel S. Migdal, Atul Kohli and Vivienne Shue (eds.), New York: Cambridge University Press, 1994, pp. 98-106.
 9. Ibid.
 10. James Manor, 'Regional Parties in Federal Systems', in *Multiple Identities in a Single State: Indian Federalism in a Comparative Perspective*, Balveer Arora and Douglas V. Verney (eds.), New Delhi: Konark Publishers, 1995, pp. 109-10.
 11. Atul Kohli (ed.), *India's Democracy: An Analysis of Changing State-Society Relations*, New Delhi: Orient Longman, 1988, p. 311.
 12. Balraj Puri, *Jammu & Kashmir: Triumph and Tragedy of Indian Federalization*, New Delhi: Sterling Publishers, 1981, p. 187.
 13. Akbar, op. cit., p. 201.
 14. Mir Qasim argues that the local Congress unit had convinced Mrs Gandhi that Sheikh Abdullah would start working against her after coming to power. See Mir Qasim's interview with Udayan Sharma, *Sunday*, 23 September-1 October 1983, p. 30. Ved Bhasin believes it to be Mrs Gandhi's personal decision, taken at the last minute, barely three hours before the press conference called to announce the Sheikh's election as the leader of the Congress legislature party. Interview with the author, September 1997.
 15. Sheikh Abdullah's taped appeal to the voters from his sick-bed. *The Times of India*, 2 July 1977.
 16. Tavleen Singh, *Kashmir: A Tragedy of Errors*, New Delhi: Viking, 1995, p. 9.
 17. 'Crossfire: Kashmir, Drift to Disaster', *India Today*, 21 August 1991. Also see Farooq Abdullah's interview with M.J. Akbar in *Sunday*, 16-22 October 1983, p. 26. Mrs Gandhi also used this strategy in Punjab by giving unpublicized support to the extremist wing of the Sikh leadership in order to weaken the more moderate but politically competitive Akali Dal. Henry C. Hart, 'Political Leadership in India', in Kohli, op. cit., p. 41.
 18. Balraj Puri, *Kashmir: Towards Insurgency*, New Delhi: Orient Longman, 1993, p. 49.
 19. Author's interview with Syed Ali Shah Geelani in August 1997.
 20. Author's interview with Ved Bhasin in August 1997.
 21. Vernon Hewitt, *Reclaiming the Past?*, London: Portland Books, 1995, p. 148. He

- also points out that after the Shimla agreement, the opening up of borders and greater movement across the Line of Control had brought many Pakistanis with a distinct Sunni Islamic culture and an 'appreciation that there was "another" Kashmir that somehow belonged to Jammu & Kashmir, or at least to the Valley'.
22. Akbar, op. cit., p. 280.
 23. Tavleen Singh, op. cit., p. 10; P.N. Bazaz, *Democracy Through Intimidation and Terror*, New Delhi: Heritage, 1978, pp. 72, 162.
 24. Puri (1993), op. cit., p. 39.
 25. Puri (1981), op. cit., p. 193.
 26. *The Hindustan Times*, 14 March 1979.
 27. Puri (1983), op. cit., p. 89.
 28. Ibid.
 29. Ibid., p. 70.
 30. Puri (1993), op. cit., p. 39.
 31. Shridhar Kaul and H.N. Kaul, *Ladakh Through the Ages: Towards a New Identity*, New Delhi: Indus Publishing Company, 1992, p. 273.
 32. Ibid., pp. 291-2. On the basis of the yardstick adopted by the Gajendragadkar Commission and the Sikri Commission, the per capita expenditure on Ladakh during the Fourth and Fifth Plans and the first year of the Sixth Plan was Rs 114, Rs 323 and Rs 569 crore respectively, against Rs 35, Rs 101 and Rs 187 crore for Jammu, and Rs 33, Rs 88 and Rs 147 crore for Kashmir. In terms of actual inputs, however, the Fourth and Fifth Plan allocations for Ladakh region were Rs 6 crore and Rs 18 crore respectively against state allocations of Rs 161.85 crore and Rs 278.55 crore. During the Sixth Plan, the allocation for Ladakh was Rs 34.59 crore and in the Seventh plan, it was Rs 88.40 crore against the state's total outlay of Rs 520 crore.
 33. Ibid., pp. 276-7.
 34. Ibid., p. 273.
 35. Farooq Abdullah, *My Dismissal*, New Delhi: Vikas Publishers, 1985, p. 21.
 36. James Manor, 'Parties and the Party System', in Kohli, op. cit., p. 80.
 37. In the Valley, Mrs Gandhi projected herself as '*Kashmir ki Beti*' (Kashmir's daughter). She avoided criticizing the Resettlement Act there and agreed that genuine cases of permanent 'state-subjects' estranged from hearth and home should be sympathetically considered. Tavleen Singh, op. cit., p. 25. Also see Sumit Mitra, 'Farooq's Fierce Fight', *India Today*, 15 June 1983, p. 18.
 38. Arun Shourie, 'Eighty or One Thousand', *India Today*, 31 July 1983, pp. 82-7.
 39. Mitra in *India Today*, 15 June 1983.
 40. Akbar, op. cit., pp. 283-4.
 41. Ibid., p. 284.
 42. Tavleen Singh, op. cit., p. 30.
 43. For detailed reports of the Congress party's machinations to discredit Farooq's government, see Shekhar Gupta, 'A Contrived Confrontation', *India Today*, 31 January 1984, pp. 18-20; Prabhu Chawla, 'Mountain Warfare', *India Today*, 15 February 1984, pp. 20-2; Udayan Sharma, 'The Kashmir War', *Sunday*, 5-11 February 1984, pp. 14-7.
 44. The national press tended to report the "truth" in Jammu & Kashmir, as the Congress saw it'. Tavleen Singh, op. cit., pp. 38-9, 52-3. Arun Shourie's investigative story showed that an election in which three persons were killed appeared in the national dailies as one of the bloodiest and most violent elections

- in Kashmir. Shourie in *India Today*, 31 July 1983, pp. 82-7; Arun Shourie, 'Srinagar Fire: Whodunit', *India Today*, 15 September 1983, pp. 58-63.
45. *India Today* reported that Rajiv Gandhi and Vijay Dhar had visited the Maulvi Farooq's house as late as 1982. In September 1980, the Congress-I government had done him a special favour by exempting donations worth Rs 11.41 lakh to the Anjuman-i-Nusratul Islam Trust from paying income tax for three years. When it became clear that the Maulvi would turn down the alliance with the Congress-I, the Income Tax department wrote back asking why the exemption should not be withdrawn. 'Tremors of Tensions', *India Today*, 29 February 1984, p. 29. Also see Abdullah, op. cit., pp. 28-30.
 46. Jagmohan, *My Frozen Turbulence*, New Delhi: Allied Publishers, 1991, pp. 255-317. Jagmohan's action was, however, criticized by other governors. L.P. Singh wrote that it would have been more correct to summon the Assembly to test Farooq's majority. *The Times of India*, 18 August 1984. B.K. Nehru described the dismissal as a shabby operation and spoke of money being flown from Delhi to facilitate the change. Gen. Krishna Rao said Farooq had been removed by 'dubious means'. Ajit Bhattacharjee, *Kashmir: The Wounded Valley*, New Delhi: UBSPD, 1994, p. 249.
 47. As cited by Tavleen Singh, op. cit., p. 60. Also see, Farooq Abdullah, op. cit., p. 12. G.M. Shah admitted meeting Mrs Gandhi in December 1983 after splitting the National Conference. He claimed mustering the support of 6 MLAs and by March 1984, the number rose to 10. But when they approached Governor B.K. Nehru, they were advised to challenge Farooq on the floor of the house. Significantly, Shah acknowledges that between March and April, he tried three times to assemble 12 MLAs needed to oust Farooq's government. The figure of 12 is important, because without prior assurance of Congress support to his government, he would not have dared to defect from the National Conference party. Prabhu Chawla, 'The Family Coup', *India Today*, 31 July 1984.
 48. Puri (1993), op. cit., p. 34.
 49. Chawla in *India Today*, 15 February 1984, pp. 20-2.
 50. Chawla in *India Today*, 31 July 1984.
 51. G.M. Shah was a prominent leader of the Plebiscite Front, and during the 1970s, a Congress pamphlet, 'Red Book' had levelled serious corruption charges against him. Mohammad Shafi Qureshi was an activist of the People's Conference in the 1950s, which had opposed Kashmir's accession to India, and only two years earlier, had been jailed on the charges of being a Pakistani spy. Mohammad Salati had also opposed Kashmir's accession to India and his son was close to the pro-Pakistan Jamiat-ul-Tulba, the militant youth wing of the Jamaat-i-Islami. Maulana Ansari was the founder of the Shia Youth Federation, which always celebrated 9 August as *yaum-e-siah* (Black Day), the day in 1953 when the central government had dismissed Sheikh Abdullah's government. Shubhabrata Bhattacharya, 'Tariq: The Pakistani Abdullah', *Sunday*, 26 February-3 March 1984, pp. 30-3; 'The Kashmir War', *Sunday*, 26 February-3 March 1984, pp. 14-17; Mitra in *India Today*, 15 June 1983, p. 27.
 52. Mir Qasim's interview in *Sunday*, 5-11 February 1984, p. 18; Farooq Abdullah, op. cit., p. 31.
 53. Puri (1993), op. cit., p. 35. Anantnag was a stronghold of the Congress leader, Mufti Mohammad Sayeed.
 54. Ibid., p. 36. Puri points out that the criteria of job reservation were so changed

- that the percentage of Muslim candidates selected by the Subordinate Services Recruitment Board were reduced to nearly half.
55. Ibid. Also see 'Crossfire: Kashmir', *India Today*, 21 August 1991, p. 80.
 56. Tavleen Singh, op. cit., p. 87.
 57. Inderjit Badhwar, 'Kashmir Coalition: Will it Work?', *India Today*, 30 November 1986, pp. 24-34.
 58. *The Statesman*, 30 January 1978.
 59. George Fernandes, 'India's Policies in Kashmir: An Assessment and Discourse', in *Perspectives on Kashmir: The Roots of Conflict in South Asia*, Raju G.C. Thomas (ed.), Boulder, Col.: Westview Press, 1992, p. 287. The opposition had walked out of the Lok Sabha on the first day of the monsoon session when speaker Balram Jakhar turned down their plea for a discussion on the dismissal of Farooq's government in Jammu & Kashmir. Even the BJP, for whom Farooq was anathema, adopted a resolution condemning Governor Jagmohan for imposing a 'rump government' in the state. The BJP President, Atal Bihari Vajpayee, moved a resolution in the Home Ministry's Parliamentary Consultative Committee meeting demanding Jagmohan's recall. The constituents of the United Front dispatched a six-member delegation to Srinagar to convey to Farooq their unequivocal and total support. *Asian Recorder*, 26 August-1 September 1984, pp. 17908-9; Chawla in *India Today*, 31 July 1984, pp. 20-1; Prabhu Chawla, 'Jammu & Kashmir: The Shah Show', *India Today*, 15 August 1984, p. 22.
 60. Author's interview with a senior cabinet minister in Farooq Abdullah's cabinet.
 61. Puri (1993), op. cit., p. 52.
 62. Ibid., p. 40.
 63. P.S. Verma, 'Muslim United Front', in *Regional Political Parties in India*, S. Bhatnagar and Pradeep Kumar (eds.), New Delhi: Ess Ess Publications, 1988, pp. 192-5.
 64. Several media reports drew attention to ballot boxes being pre-stamped for the National Conference, massive booth capturing by the party workers, numerous citizens not being allowed to vote, and government-nominated supervisors stopping the counting when opposition candidates started taking the lead. See Inderjit Badhwar, 'Jammu & Kashmir: A Tarnished Triumph', *India Today*, 15 April 1987, pp. 76-8.
 65. Balraj Puri, 'Fundamentalism in Kashmir, Fragmentation in Jammu', *Economic and Political Weekly*, 22 (22): 835, 30 May 1987.
 66. Fernandes in Thomas, op. cit., p. 288.
 67. Badhwar in *India Today*, 15 April 1987, pp. 76-8.

CHAPTER 7

Insurgency in Kashmir Valley

The successive rulers imposed by the centre, the arbitrary dismissal of Farooq's government and subsequent arm-twisting to share power with the Congress, and the blatant manipulation of the electoral process in 1987 led Kashmiris to believe that they would remain permanently marginalized under the current political dispensation. Hence rose the demand for secession. Three conceptions of Kashmiri identity, the secular, the Islamic, and the Pan-Islamic, emerged with different political goals and different mobilization strategies marked with an extraordinary degree of political violence.

Farooq Abdullah was discredited and deprived of a patron, the mantle of safeguarding the political interests of Kashmiris fell upon the new generation of Kashmiri youth. When the attempt by the young protagonists to capture state power through constitutional means was scuttled by rigged state elections, they felt that 'the bullet will deliver where the ballot had failed'. It was in the police control rooms and Kashmiri jails that the first generation of Kashmiri militants was born. The first batch of youth crossed over to Pakistan for arms training in 1987-8.¹ The Kashmiri secessionist movement can be grouped into five phases. Each phase focuses on dominant trends, but the dominant voice should not be misconstrued to mean the *only* voice, nor were these mutually exclusive or necessarily sequential.

PHASE ONE

The first phase (1988 to 1990) may be divided into two parts: the underground militant movement (1988-9) and the mass political movement (1990). Kashmiris, spearheaded by the Jammu & Kashmir

Liberation Front (JKLF), demanded independence through an armed struggle.

Underground Militant Movement

The militants used violence most effectively to achieve the immediate political objectives of paralyzing the state apparatus and delegitimizing the political institutions which had appropriated the space for articulating the political aspirations of Kashmiris. They sought to defy the state authority; transfer people's allegiance and loyalty to themselves; attack the state symbols; and render every state institution that could potentially meet their political challenge dysfunctional. A series of violent demonstrations erupted on various issues, such as the hike in the power tariff and the demand for a ban on Salman Rushdie's *Satanic Verses*. The systematic campaign in 1988-9 challenged and replaced the official state symbols with an alternative calendar of public events. *Bandhs* were organized on Indian Independence Day and Republic Day and 'civil curfew' (as opposed to government-ordered) was imposed with a ceremonial burning of the Indian flag while Pakistan's Independence Day was celebrated with fanfare. The Accession Day, 20 October, was denounced as the 'day of occupation' and Nehru's birth anniversary on 14 November was observed as a 'black day'. The death anniversary of the founder of the JKLF, Maqbool Butt, was celebrated, in glaring contrast to Sheikh Abdullah's death anniversary which was termed '*Yome-i-Nijat*' (day of deliverance). A symbolic drive was launched to remove the 'India' signs of the State Bank of India, Air India, Indian Oil, Bharat Petroleum, and Indian insurance companies. People were ordered to transfer money from Indian banks to the J&K Bank. The militants' writ ran large. Their order to observe Friday instead of Sunday as a holiday was tacitly complied with in public offices, including the civil secretariat and banks. The civil curfews and blackouts were so effective that even the state-owned Srinagar Corporation complied.

The militants first targeted the police, CRPF and intelligence organizations. They sought to neutralize the police force by attacking police stations in Srinagar with impunity and killed police officers in a particularly barbaric manner.² Stigmatized as 'traitors', ostracized by society, and neglected by senior officers who did not mourn their colleagues' deaths nor accord any state honour, these killings played havoc with the morale of the police force which became openly

critical of the weak leadership of the Director General of Police, Ghulam Jalani Pandit. Attacks on the CRPF personnel and killing of intelligence officials followed in quick succession;³ the militants were clearly targeting the institutions responsible for the state's internal security.

Next, all political activities were halted and political institutions were undermined. Militants selectively killed prominent workers of the National Conference, the only pro-Indian local political force in the Valley. An open ultimatum was issued to its cadre in August 1989 to publicly break association with the party. The compliance was so high that the Kashmir daily *Aftab* carried a special column *Izhar-e-Latalugee* (declaration of disassociation) for this purpose. Rife with internal dissension, political parties such as the Congress and the Muslim United Front (MUF) had practically stopped functioning. Former Chief Minister G.M. Shah remarked: 'We [politicians] are not relevant at all. No one talks to us. No one listens to us. You are all up against an idea, which is supported by the gun and believed by the people.'⁴

In response to the militants' call for a boycott of the Lok Sabha bye-elections in November 1989, a large number of polling officers (about 5,000 according to one estimate) refused to perform their duties, and government school buildings used as polling stations were set on fire. A 'civil curfew' was imposed on the polling day and a coffin was placed outside the polling booth in Baramulla with a placard which said, 'It is for the first man who casts his vote.' The administration did nothing. Official estimates of average voting in Anantnag and Baramulla were 5.11 and 5.47 per cent respectively, although the local media reported it at 2 per cent. In some polling booths, no votes were cast. By discrediting the political parties and nullifying the electoral process, the militants had monopolized the space of state politics.

People took pride in the militants' exploits because the 'boys' had somehow restored Kashmir's pride. Mirwaiz Maulvi Farooq observed:

People have realized that the secular, nationalist parties are all lies. They are not in power to help the *quam* or *awaam*; they are here only for self-aggrandizement and for power. . . . People had lost faith in democracy and were more attracted to the militants and their armed solution to the problem, because they felt that they at least were prepared to die for Kashmir.⁵

Initially, the movement was driven by a well-planned strategy. Pakistan's role in this context needs examination. While the

impulses of Kashmiri separatism were generated internally, Pakistan was quick to capitalize on the situation. Significantly, Pakistan used the 'Kashmiri card' as distinct from the 'Muslim' or 'Islamic card' to empathize with the struggle of the militants. Differing opinions, however, persist regarding the timing of Pakistan's organizational and armed support to militants. Hasim Qureshi, a leading JKLF leader, disclosed that they were approached by the Pakistani military to prepare for the new phase of 'Kashmir's liberation' in 1984. Amanullah Khan, the JKLF's chief, reiterated that the 'JKLF had actually started political planning in 1986 and continued till the end of 1987 . . . and it began in July 1988 . . . the boys who originally belonged to that area [Jammu & Kashmir state] are actually fighting . . . boys were trained here [Azad Kashmir], then went back and trained others. . . .'⁶ Interaction with JKLF militants confirms this point. Some considered Pakistan as an ally, while others justified taking support of the people of Azad Kashmir because 'Azad Kashmir is our part [of Kashmir] only'.⁷

Government Response

The centre and state governments' initial response to Kashmiri militancy varied from utter helplessness and confusion to sheer inertia and culpable negligence. Rajiv Gandhi was too embroiled in the Bofors corruption charges to pay attention to Kashmir. Farooq had justified the compromise of Kashmir's political autonomy on the single plank of central aid worth Rs 2,000 crore for economic development. When nothing materialized, the casualty was not only Farooq's government; it was a serious blow to Kashmiris' faith in the Indian State.

The absence of a clear, firm and effective state response from either its political or administrative leadership helped the militants to neutralize the police and intelligence. The alarming reports from Srinagar were dismissed as mere panic reactions, and a top central civil servant rationalized the drift with a theory of a 'tolerable level of violence'.⁸ It was further admitted that 'New Delhi was aware of the developing situation but did not quite appreciate the urgency of dealing with it and *militancy was indeed allowed to dig deep roots in the Valley*'⁹ (emphasis added). There was total failure of intelligence. The Research and Analysis Wing (RAW) and the Intelligence Bureau (IB) had little information about the inflow of arms and trained youth from across the border. Weak coordination among intelligence

agencies was attributed to 'absence of culture of sharing information' and 'different bureaucratic structures and hierarchies'.¹⁰ There was a sense of disbelief when the first Kalashnikov was captured in the Valley.¹¹

Stripped of political legitimacy, Farooq's government was virtually under siege by the underground militants when they kidnapped Union Home Minister Mufti Mohammad Sayeed's daughter, Rubaiya Sayeed, on 8 December 1989. The government's mis-handling of her kidnapping proved to be a turning point. Despite Farooq's opposition and senior officials' warnings that meek surrender would have grave repercussions in boosting militancy, the decision of the central government prevailed. The release of the militants resulted in a mass upsurge. The streets of Srinagar were filled with victory processions of jubilant crowds demanding *azadi*. The government's abject surrender was widely perceived as the ultimate proof that the mighty Indian State had caved in and *azadi* was round the corner.

International Developments

The heady sweep of contemporary liberation history—from dismantling of the Berlin Wall and overthrow of Romania's tyrannical rule to the alluring echoes of freedom along the trans-Caucasian Pamir—marching nearer home also made *azadi* appear as a plausible alternative to Kashmiris. The average Kashmiri was very conscious about the 'malleability of borders' and the birth of new nations causing euphoria that it would be their turn next.

The resurgence of Islam after the Iranian revolution, the Palestinian intifada and the mujahedins' success in driving the Soviet Union out of Afghanistan provided greater impetus to the Kashmiri youth. Kashmiri Muslims, it was argued,

could now seek ideological sustenance from a trans-national Islam, while simultaneously basking in the quarantinal revolution in Iran, the mood of Islamic re-assertion in the far reaches of the world of Islam—from Palestine to Pakistan, the Soviet Central Republics and Sinkiang to the Far East, has provided an awareness of faith and collective power that can rarely escape Muslims especially those who live under conditions of subordination and find the alternative secular mode of being, lacking in material or moral fulfillment. How can Kashmiri Muslims escape the reach of a trans-national awareness?¹²

Mass Political Movement

Farooq Abdullah's resignation and Governor Jagmohan's policy of crushing the movement finally caused it to explode. A massive crackdown and the Gawkadal incident, in which a large number of unarmed civilians including women and children were killed, proved to be a watershed in transforming the underground militant siege into a popular mass movement.¹³ Kalashnikovs replaced black flags and the 'boys' became 'mujahedin' overnight. The Valley witnessed a series of processions of several thousands of people demanding *azadi*, causing total collapse of state authority.

Governor Jagmohan's recipe was to unleash the coercive arm of the state to eliminate terrorism and force Kashmiris into submission. He believed: '*The bullet is the only solution for Kashmiris*. Unless the militants are fully wiped out, normalcy cannot return to the Valley'¹⁴ (emphasis added). So began a long spell of state repression in the form of cordon-and-search operations or crackdowns, extended periods of blanket curfews in major towns, specially Srinagar, lasting for weeks without any provision for essential food supplies, road block checks involving beatings, intimidation, verbal abuse and humiliation, widespread torture, rape, arbitrary detention of scores of youth suspected of being militants and shootings by the security forces at public processions and crowded market areas, often in a panic response to the militants fire.

Redefining Kashmiris' Secular Identity

The JKLF was at the forefront of the secessionist movement though militant groups such as Allah Tigers, Peoples League and Hizb-i-Islamia were also active. It redefined the Kashmiri community as including the entire populace of the Indian and Pakistani parts of the Jammu & Kashmir state. The JKLF's political goal was 'liberation of Jammu & Kashmir state from India and re-unification of territories of the original Dogra State of Jammu & Kashmir'. It questioned the legality and validity of the Instrument of Accession signed, as they claimed, by the fleeing Maharaja. Nehru's promise to honour Kashmiris' right of self-determination and UN resolutions to hold a plebiscite were revived.¹⁵ Ideologically, the JKLF's secular Kashmiri nationalism was in keeping with the traditions of Sheikh Abdullah's National Conference, but, disassociating itself from the Sheikh's

political heritage, it denounced him for surrendering the demand for plebiscite in the 1975 Accord.

The JKLF articulated the vision of an independent state based on a federal, parliamentary and democratic political system. Each of the five federating units, namely, Kashmir Valley, Jammu province, Ladakh, Azad Kashmir, and Gilgit and Baltistan would enjoy internal autonomy with elected provincial governments. The members of the lower house of parliament would be proportionate to the population of each unit elected through adult franchise, and the upper house would have an equal number of elected members from all units. The constitution would provide equal social, economic and political rights to religious and ethnic minorities. A neutral position was advocated for the proposed independent Jammu & Kashmir state on the Swiss pattern, with friendly relations with both India and Pakistan.¹⁶

Strategy

The JKLF's strategy may be divided into four components: establishing an organizational base and devising military strategy; pursuit of international support; mobilizing popular support; and its rationale of resorting to violence. Kashmiri youth leaders such as Ashfaq Majid Wani, Hamid Sheikh, Yasin Malik and Javed Mir led the JKLF in the Valley. Amanullah Khan, the chairman headed the central committee, the supreme policy-making body, based at Muzaffarabad. Three sub-committees supervised military, political and diplomatic activities. The organization was divided into three zones: Jammu & Kashmir wing, Azad Kashmir wing, and the overseas wing. A chief commander, followed by zonal, district and *tehsil* commanders, headed the command in the Valley. A joint revolutionary council coordinated the activities of all zones.¹⁷

The military strategy was devised jointly by the JKLF leadership in the Valley and Muzaffarabad. Azad Kashmir supplied weapons, held training camps and provided sanctuary. Amanullah Khan and Javed Mir openly admitted smuggling of weapons across the Indo-Pakistani border to militant ranks in the Kashmir Valley.¹⁸ Sardar Abdul Qayyum, President of Azad Kashmir, described it as the 'base camp of the Kashmiri freedom struggle'.¹⁹ Militant operations in the Valley were confined largely to urban areas. A favourite tactic was to shoot security forces' personnel in crowded areas, provoking retaliation and killing of innocent civilians. Every new 'martyr'

merited a *namaz-e-janaza* (funeral prayer) from the *mohalla* mosque, which inevitably resulting in more firings, more martyrs and more mobs, all feeding a vicious circle. The militants ran a highly sophisticated parallel media machinery. Video cassettes of protest marches and atrocities by the security forces were freely available and circulated.

Beyond holding the security forces to ransom the militants had no long-term strategy to force the Indian State to withdraw from Kashmir. The absence of an effective state response was critical to the militants' success in paralyzing the state administration throughout 1988-9. A naïve belief that 'the Indian State had lost the will to govern' was backed by high hopes that once the 'uprising' started, Pakistan would invade India to secure Kashmir's liberation.²⁰ Both were grave miscalculations. Pakistan did not attack and India did not hand over *azadi* on a platter. Once the Indian State revealed its iron fist, the militants failed to respond with an effective counter-strategy and were little match for India's massive military power.

The real threat to the Indian State emanated not from the militancy but from mass processions symbolizing complete rejection of state authority. It may be charitable to characterize the mass rallies purely as a product of the militants' strategy but they were more in the nature of spontaneous outbursts than part of military strategy. In fact, militants were overwhelmed by the mass response but could not purposefully and effectively channelize it for achieving *azadi*.

Support

The JKLF mobilized international support for Kashmiris' right of self-determination by focusing on human rights violations. It had raised funds through front organizations in the Middle East, UK, Europe and USA since 1977.²¹ Pakistan embarked on a massive diplomatic exercise to internationalize the issue and raised Kashmir at the UN, Non-Aligned Movement (NAM), Commonwealth Heads of Government Meeting (CHOGM), Organization of Islamic Countries (OIC) and so on.

Kashmiri Muslims, including intellectuals, trade unionists, peasants, students and government employees, whole-heartedly supported the JKLF.²² Some sections in the Mirpur district of Azad Kashmir were also keen supporters of independent Kashmir.²³ The absence of a charismatic leader posed little difficulty in mass mobilization. 'The masses needed no convincing', a militant leader

said, 'only a spark to ignite their reaction . . . [which was] provided by none other than Jagmohan'. Even a senior civil servant, Ashok Jaitley, admitted that 'what Jagmohan did in five months, the militants could not have achieved in five years'.

Jagmohan's policy of inflicting 'collective punishment on a disloyal population' backfired. He failed to observe a thin though vital distinction between *militants*, *sympathizers* of militants, and *innocent civilians*. His policy seemed to be, 'If you are a Kashmiri, you are a Muslim, you are pro-Pakistani and you have to be dealt with accordingly.'²⁴ This proved to be disastrous; it pushed the populace to becoming anti-Indian and turned the most apolitical Kashmiris into active supporters of militancy. A senior police official noted, 'People have lost their fear. This is a defiant new breed of Kashmiri.' Even the CRPF officials used to fighting pitched battles with mobs in other parts of the country admitted, 'Today you kill one demonstrator, then a second and yet the mob keeps coming at you. Finally you withdraw.'²⁵ The popular slogan: '*Jo kare Khuda ka khauf, Utha le Kalashnikov*' (All God-fearing men should pick up the gun) reflected the Kashmiri mood.

Rationale for Violence

Kashmiris devised new social norms and social sanction for justifying political violence. The women would put *mehendi* (henna) on their sons going to Pakistan and daughters gave them a hero's welcome on return. Having a mujahedin in the family became a status symbol. The families and the peer groups competed for crossing the border to get arms training. Children carried placards saying 'Indian Dogs go Home' or '*Mujahideen Qaum Zindabad*'. A new vocabulary of violence depicted militants as 'freedom fighters' and the security personnel as 'occupation forces'. Curfews were described as 'martial law' and martyrs' graveyards became 'places of pilgrimage'.

Contemporary political practices and state violence were used to justify the Kashmiris' resort to violence. Militant violence was explained as 'response to injustice' and committed on 'behalf of the community'. Many shared the view: 'When the government has taken the gun against the people, why should not we take up a gun?' or 'If we have to die like this, why not pick up the gun?' The rationale of violence was purely contemporary because Kashmiri cultural heritage, shaped by the pacifist and non-violent Rishi Order, did not offer mythological motifs for sanctifying political violence. Kashmiris

did not have a history of valour of militarily resisting hordes of foreign rulers, nor did traditions and folklore have a reservoir of stories eulogizing heroic conquests and victories against the enemy. The modern history of Kashmiri political movements from the anti-monarchy agitation in the 1930s to the Plebiscite Front's demand for self-determination in the 1960s had also been fought through political and constitutional means. If at all, Kashmiris were stigmatized as cowards who could not think beyond 'throwing *kangris* (small earthen pots with glowing embers held under an outer cape—*firan*—for warmth) at each other as the ultimate act of violence'.

When the 'Kashmiri' component of the past did not help, many looked to Islam for a new rationale. 'Islam teaches us to fight for rights and justice. Our activities are in accordance with the Islamic precepts. We have therefore complete moral basis in our activities.'²⁶ Significantly, Islam's sanction of violence was used to defend their political and militant struggle for 'justice'. 'Jihad' (holy war) did not figure in the militants' political vocabulary but a growing emphasis on Islam for mobilization and emergence of mosques as the 'new power centres', used as community centres and refuges for militants, was unmistakable. Some popular slogans were, '*Azadi ka matlab kya, La Illahilillah*' or '*Hum kya chahte hain—Nizam-i-Mustafa*'. The JKLF's manifesto of the early 1990s had a distinct Islamic flavour in defining its goals as complete independence of Jammu & Kashmir, system of *Islamic democracy*, safeguarding rights of the minorities as prescribed in the Koran and Sunnah and an economy of *Islamic socialism*.²⁷

Pandit Exodus

The shift from Kashmiri Islam to Islam sharply increased the social, cultural and political distance between the Kashmiri Muslims and Kashmiri Pandits. Selective killings of Kashmiri Pandits in late 1989, followed by mass rallies and mosque loudspeakers shouting slogans of *Nizam-i-Mustafa*, and a systematic campaign telling Pandits to leave the Valley had created an atmosphere of fear and insecurity in the community. The state government's failure to provide security and its tacit encouragement to them to leave the Valley exacerbated the situation. While Jagmohan's contribution in organizing the exodus of Kashmiri Pandits continues to be hotly debated, it is certain they left en masse within days of his arrival and appear to have been assisted logistically in the exodus.²⁸ The Kashmiri Pandit exodus would prove to be a milestone in changing the character of the Kashmiri identity

in terms of imminent bifurcation between Kashmiri Muslims and Kashmiri Pandits. It is discussed in detail in the next chapter.

Government Response

There was no clear and coherent policy direction from V.P. Singh's minority government which was hamstrung by opposing pulls of the left and the Bharatiya Janata Party (BJP). The BJP, symbolizing revival of the 'Hindu' notion of the Indian nation, had emerged as a powerful political force in the late 1980s. The Hindutva brigade's attempts to transform the multifaceted religious system of Hinduism into a monolithic brand and to create a Hindu vote bank had grave long-term implications. The BJP sought to subsume different layers of community identity in terms of culture, language and caste under a single overarching category of religion, and by making Hinduism central to Indian identity denied political space to sub-national identities woven around linguistic, caste, regional or cultural affinities. Significantly, Kashmir has always been central to the Hindu notion of *rashtra-raja* and the secessionist demands are viewed as reinforcing its belief in 'Muslim disloyalty to India'.²⁹ Accordingly, the BJP advocated abolition of Article 370 and reversal of the 'state-subject' definition, consciously settling Hindus in the Valley to change the population balance.³⁰ There was, however, no direct evidence of BJP influence on the government's Kashmir policy but its political ideology did impinge upon the Kashmiri psyche.

Governor Jagmohan was a one-man crusader, and instead of revitalizing and mobilizing the governmental and political institutions, he centralized all important decision-making powers in himself. Firm in the conviction that 'every component of the power structure had been taken over by the terrorists', he consciously and deliberately marginalized and undermined them. For instance, he denied funds for medical supplies to government hospitals, banished the foreign media, severely restricted the local media, and scuttled local Doordarshan (TV) programmes because these had been infiltrated by the militants.³¹ This also created serious dissension in the state police hierarchy between 'local' and 'outsiders' (meaning IPS officers), and a sharp divide between the Jammu & Kashmir Armed Police (JKAP) and paramilitary forces.³² A senior police official argued, 'If you come from Delhi and tell a local officer that he is "mixed up" with the militants, where is the morale for him to work for the state?'³³ The divisions ran so deep that a false rumour of

JKAP personnel being shot by the CRPF resulted in a police revolt on 22 January 1990.

Jagmohan's decision to dissolve the state assembly on 17 February 1990 without taking his advisers and the centre into confidence closed all doors for reviving the political process. This caused a rift between the Governor and the central government, and the BJP and other political parties. New Delhi decided to cut Jagmohan to size by setting up an All-Party Advisory Committee and sending an all-party delegation to Srinagar; New Delhi also made George Fernandes Minister of Kashmir Affairs. It proved to be a disaster. Jagmohan's coercive law-and-order approach clashed with Fernandes' political initiatives. Jagmohan sought to crush militancy by force.³⁴ In contrast, Fernandes offered compassionate understanding of militants with a healing touch for the Kashmiris. He explored different options of starting a political process through revamping the National Conference under Farooq Abdullah; amalgamating the JKLF, the MUF, the Peoples Conference and the Peoples League into a new political party led by Shabir Shah; and initiating dialogue with Mirwaiz Maulvi Farooq.³⁵ With Jagmohan and Fernandes blaming each other for the 'mess' in Kashmir and Home Minister Mufti Mohammad Sayeed introducing a third tangent, an impossible situation was created by the three power centres working at cross-purposes.³⁶ Serious dissension between the Governor and the central government, the state bureaucracy and police with the Governor, and local police with the army and paramilitary forces paralyzed the policy-making apparatus. The Indian State was on its weakest footing. Internationally, too, the government was on the defensive, warding off external pressures, defending the human rights record and blaming Pakistan squarely for fomenting trouble in the Valley. The Benazir Bhutto government's belligerent statements from Islamabad matched by V.P. Singh's warnings against misadventure in Kashmir created a particularly volatile situation across the Line of Control in March-April 1990.

PHASE TWO

By late 1990, the movement was at its peak and then its decline set in as the character of militancy gradually changed. From mid-1990, the JKLF began losing its leadership role, partly because the security forces were better prepared. By the end of the year, most of the JKLF's top leadership had either been killed or imprisoned.

Marginalizing the JKLF

Pakistan realized that the 'Kashmiri card' had served its purpose and if allowed to persist to its logical conclusion, it might backfire on Pakistan because 'independence and re-unification of the divided Kashmir and *not* accession to Pakistan' was the JKLF's political goal. Consequently, a 'conscious political decision appears to have been taken very quickly in Islamabad to curb the *independence* sentiment'. Robert Wirsing quotes a Kashmiri observer based in Pakistan:

When the People's Party was yet in power, Pakistani leaders became aware of the need to assert more Pakistani control of the uprising. The movement was getting huge in size and the cry of *azadi*—independence of *both* India and Pakistan—was growing loud. In early February 1990, a meeting was held in Islamabad, with Prime Minister Benazir Bhutto in the chair, and with the Chief of Army Staff General Aslam Beg, and the President and Prime Minister of Azad Kashmir in attendance. They considered the possibility that the uprising could boomerang on Pakistan, and that Pakistan could lose not only Jammu and Kashmir but the Northern Areas as well. They decided *they had to curb the azadi forces, meaning they would not equip them and not send them into the valley*. It was decided that the Pakistan army should take over the private camps that had sprung up. Bhutto addressed a press conference later that month . . . and said that accession to Pakistan was the only option open to Kashmiris.³⁷ (emphasis added)

Amanullah Khan corroborated that during Benazir Bhutto's term, several pro-Pakistan outfits were raised as rivals to the JKLF. Nawaz Sharif's government subsequently pitted the new groups against the JKLF, which was accused of being 'terrorists' and to weaken its campaign.³⁸ My interactions with the Valley-based leadership of the JKLF confirm this point. By early 1991, the JKLF leadership realized that Pakistan had used it as a pawn for serving its own political interests. Hasim Qureshi's disclosures proved to be prophetic. He had written that Pakistani officials told them in 1984 that

all we [the JKLF] ought to concern ourselves with should be to get young men from across the border and hand them over to any of our [Pakistan] military posts. These young men, we were told, would be taken care of by the military, trained by it and then sent back. All the four of us in the negotiating committee namely myself, Dr Farooq Haider, Rashid Hasrat and Z.H. Ansari felt infuriated and told the military officer in no uncertain terms that we were not agents but revolutionaries. 'We cannot be your agents; nor can we fetch agents for you.' The talks broke down. . . .³⁹

With a sudden and total cessation of funds and arms supplies from Pakistan, the JKLF's calculations went completely awry. They not only had difficulties in fresh recruitment and training of cadres but, more important, faced a new lethal enemy in the Hizbul Mujahideen, 'a militant organization created only to eliminate JKLF'.⁴⁰

Agenda for Islamization

The Hizbul Mujahideen's ascendancy and its agenda for Islamization was the hallmark of the second phase of militancy (1991-3). Using the prism of religion, the problem was articulated in terms of the *Muslim Valley* waging an *Islamic movement* against the *Hindu Indian State* in order to accede to *Islamic Pakistan*. The Hizbul Mujahideen faced three challenges in the Valley, namely, the JKLF's secular ideology, Mirwaiz Maulvi Farooq's articulation of Kashmiris' Muslim identity, and the Kashmiri Pandits. Pakistan and Azad Kashmir's Muslims were considered as a part of the *millat* (the Islamic community worldwide). Interestingly, the Hizbul Mujahideen never mentioned Indian Muslims as a part of this *millat*; it single-mindedly advocated Kashmir's accession to Pakistan and demanded plebiscite according to the original UN resolutions (1948-9). It bitterly opposed an independent Kashmir based on secular nationalism because nationalism, according to Islam, was based only on religion.

Inspired by Islamic ideology, Kashmir's history was written anew in which the 1931 movement was characterized as an Islamic movement by the Muslim-majority populace 'to free Kashmir from Dogras and to make it a part of the Islamic world'. Sheikh Abdullah was projected as a 'willing victim' of the Hindu Congress' conspiracy and the National Conference, under the influence of Communists and Qadianis, forced the Valley Muslims to accede to India.

Organizational Base

The Hizbul Mujahideen was a large organization with an estimated strength of 13,000-20,000 men.⁴¹ Its political patron, the Jamaat-i-Islami, nominated Syed Salahuddin as the Supreme Commander—*Sarparaste Alla*. Each wing of the organization had a leader for military and ideological training, intelligence, supplies, logistics and finances. All positions together formed the nucleus of the larger body, the *Majlis-i-Shoora*, which was the central command of the Hizbul Mujahideen.

The organizational networks of the Hizbul Mujahideen spread down to the divisional and district levels in the Valley.⁴² Their cadre was better equipped, more disciplined, and highly trained with considerable combat experience in Afghanistan. The Jamaat-i-Islami and the Hizbul Mujahideen also had front organizations such as the Jamiat-ul-Tulba, its student wing, and the Dukhtaran-e-Millat (Daughters of the Faith), the women's wing led by Aasiya Andarabi whose organization also ran the Islamic Relief Committee and the Islamic Blood Bank.

Strategy

Inspired by Pakistan's Inter-Services Intelligence (ISI) experience in Afghanistan, the Hizbul Mujahideen's idea was to make the economic, military and political costs of retaining Kashmir too prohibitive for India. This had two components: to raise military costs by tying down large numbers of the Indian Army in the Valley; and to extend the area of operations to other parts of the state, and, indeed, the rest of the country. The Hizbul Mujahideen leader, Salahuddin, said, 'We want to hit India economically . . . and strike in every nook and corner [of the country].'⁴³

The Hizbul spread out to the rural areas, which served as good hideouts, and village madrasas were a valuable source of recruitment of militants. Gradually, they moved to the Doda district of Jammu, perhaps because of the growing pressure of the security forces in the Valley. Doda's rugged mountainous terrain enabled a small number of militants to tie down disproportionately large numbers of security forces, and its contiguity to six districts—Kathua, Udhampur, Kargil, Rajouri, Anantnag and Chamba in Himachal Pradesh—served as an ideal springboard to spread out further. Their military tactics included hit-and-run strikes with sophisticated weapons⁴⁴ and by late 1991-2, they were creating 'liberated zones' in some pockets of Baramulla, Srinagar and Anantnag districts.

Pakistan's Support

The Hizbul Mujahideen was clearly the organization most patronized by Pakistan in arms, training, logistics and funds. Islamic political parties led by the Jamaat-i-Islami strongly advocated arming Kashmiri militants, and open camps were organized in Pakistan for recruiting mujahedin and collecting funds for the 'Kashmiri jihad'.

The ISI and its arm, the Field Intelligence Unit, provided critical organizational support. In 1992, the ISI established the Markaz-Ud-Dawa-Wal-Irshad, ostensibly an international centre to coordinate Islamic militant activities worldwide. Located at the outskirts of Lahore, the centre trained fighters and filtered weapons left over from the Afghan conflict to Kashmiri militants, specially the Hizbul.⁴⁵ Pakistan also played a key role in garnering international support of Islamic countries and got several anti-Indian resolutions condemning human rights violations passed by the OIC.

Mobilization

The Hizbul cadre was recruited by the Jamaat-i-Islami which had done systematic groundwork by introducing a Sunni Islamic culture and literature through madrasas and about 2,500-3,000 mosques teaching the Koran and Hadith (interpretation of Islam) since the 1970s, and preparing young Kashmiri Muslims for an Islamic revolution.⁴⁶ The Dukhtaran-e-Millat's 10,000 members imparted ideological training to women. Aasiya Andarabi affirmed: 'We are uniting our women and urging them to give their men the courage to fight . . . we don't mind paying with our blood. We have told our brothers to return only after Kashmir has been liberated.'⁴⁷ The Hizbul Mujahideen mobilized the cadre in the name of Islam and introduced the highly emotive terminology of jihad to justify political violence. A popular slogan was '*Na guerrilla jang, na quami jang: al jihad, al jihad*' (It is neither a guerrilla war nor a national war: it is a holy war). The criteria for becoming a 'mujahid' were identified as:

... any conscious young man who believes in Islam and is ready to sacrifice his life and property for *Nizam-i-Mustafa*. . . . A young man who is prepared to leave his home, his birth place for jihad without any compensation and devotes his life for jihad and Islam . . . [with one important condition] . . . he must never have been a part of anti-Islamic movement or connected with pro-India activities.⁴⁸

The motivational literature mobilizing the cadre used symbols and metaphors of Islam extensively. Carefully selecting militant strands of Islamic history, allusions were made to the heroic deeds of Prophet Muhammad. For example, 'Badr', signifying Prophet Muhammad's spectacular victory over Arab pagans of Mecca, was referred to eulogize Islamic heroism, and exhortations to violence were skilfully

done for another jihad in the light of the Prophet's teachings. A translation of 'Kashmir's song of freedom' makes this point.

From all directions, the slogans of takbir are being heard. The Muslim of the Valley has woken up. He is as brave as Farooq and Hyder and as courageous as Shabir. He is not afraid of death or torture. We will attain either martyrdom or victory. We will bring Islamic revolution in Kashmir. Both the old and the young are ready to lay down their lives. They have the verse of tauheed on their lips and determination is writ large on their faces. The history of the battles of Badr and Uhud is going to be repeated. Victory is with us. And *we will usher in Islamic revolution in Kashmir*.⁴⁹ (emphasis added)

Several leaders used Islamic fables for mobilizing the people. For instance, popular leader Shabir Shah's appeals, posters, and pamphlets began with a verse of Iqbal. The gist of his speeches was:

The enemies of Islam are uniting on all fronts to frustrate our mission. An example of this is the occupation of Kashmir. But now the Kashmiri nation, inspired and guided by Islam, has woken up. The sun of Islamic revolution is rising. The children of faith should now unite and come to the forefront to secure freedom from Bharat [India]. *Allah will be our guide, Quran is our constitution, jihad is our strategy and martyrdom is our aspiration*.⁵⁰ (emphasis added)

However, it was precisely due to strict adherence to Islamic ideology that the Hizbul lacked popular support in the Valley. Kashmiri Muslims supported the Hizbul in 'the fight against India', but its pure Islamic beliefs which considered Kashmiri practices of offering prayers at Sufi shrines and *pirs' mazars* as idolatrous, soon alienated the masses.

The Hizbul Mujahideen faced a formidable ideological adversary in the JKLF, whose nationalist and secular ideology was antithetical to Islamic ideology. Backed by Pakistan, they attacked and killed JKLF militants and leaked information about their hideouts and action plans to the Indian Army. The Pakistani troops opened fire on unarmed JKLF activists to prevent them from crossing the Line of Control in February 1992. This marked the collapse of reluctant accommodation between the JKLF and Pakistan and prompted its leader Javed Mir to declare, 'Now we have two enemies—India and Pakistan'.⁵¹

Another powerful potential rival was the Mirwaiz, Maulvi Farooq, who had inherited the mantle of the Muslim Conference and enjoyed an independent power base in the Valley. The Mirwaiz had pursued Muslim politics as distinct from the Jamaat's Islamic ideology, and was

a critical hurdle in the latter's Islamization drive. He was not extremist, nor amenable to accepting orders from across the border; and that is why he had to be eliminated. The Mirwaiz's attempts to open a political channel of negotiations with George Fernandes sealed his fate. Hizbul Mujahideen militants killed him on 21 May 1990.

Third, Kashmiri Pandits did not fit the Hizbul's game plan of 'Muslimizing the Valley' to facilitate accession to Pakistan. Although the Pandit exodus was more or less complete before the Hizbul came to dominate the Valley, its dire warning—'Kashmiri Pandits responsible for duress against Muslims should leave the Valley within two days' published in the Urdu daily *Alsafa* on 14 April 1990, was critical in triggering the exodus. Subsequently, it warned the Pandits against returning to the Valley because 'they had joined hands with the enemy forces [read Indian government]'. Salahuddin declared, 'Pandits would not be allowed to return until they had proved themselves to be a part and parcel of their movement by making their own contribution'. The Hizbul's simultaneous threats to auction the Kashmiri Muslims' properties unless they returned immediately gave away the blueprint of what has been termed as ethnic cleansing of the Valley.⁵²

The Hizbul Mujahideen's operations in Doda were also designed to create a communal polarization between its Hindu and Muslim populace. The militants targeted the Hindus. The situation became more complicated when the BJP systematically scuttled all efforts for joint community initiatives and preferred to create armed village defence committees imparting arms training to the villagers in Hindu-dominated areas, and demanded Doda to be declared as a disturbed area to be handed over to the army.⁵³

Government Response

The state administration as well as the central government continued to be a divided house. In the aftermath of Mirwaiz Maulvi Farooq's killing, Governor Jagmohan was replaced by G.C. Saxena, a former head of the Research and Analysis Wing (RAW). He reined in the security forces and avoided public showdowns by not imposing curfews on Fridays and ordering crackdowns only on specific intelligence. But Saxena failed to win the confidence of his administrative team. His adviser Ved Marwah attributes it to his 'highly secretive' style of functioning and said that, 'Saxena did have'

a "game plan" but he never shared it with us'.⁵⁴ Saxena's handling of senior IAS officers' petitions against the functioning of the government and security forces and an indefinite strike by government employees came under sharp criticism. His initial tough stand of 'no work, no pay' ended in tame acceptance of virtually all their demands, with the net effect of turning the bureaucracy against him.

Frequent changes in political equations at the centre further complicated the situation. Every time a new government took charge, the predecessor government was blamed for the impasse followed by drastic changes in the top administration. As a result, the Governor was pulled in different directions. For instance, Saxena and Farooq Abdullah had locked horns on the government employee's strike as the latter was putting pressure on the centre to intervene. When Chandra Shekhar replaced V.P. Singh, the National Conference gained prominence in the centre's calculations and forced the Governor to accept the employees' demands.

Divisions in Militant Ranks

The ideological polarization between the JKLF's goal of *Kashmir banega Khudmukhtar* (Kashmir will be independent) and the Hizbul Mujahideen's demand of *Kashmir banega Pakistan* divided the militant ranks sharply and set in motion the fragmentation of the movement. The Valley witnessed a mushrooming of groups between 1990 and 1993. Governor Jagmohan had listed 44 active 'terrorist organizations' in January 1990; in 1991, Amanullah Khan put their number at 60 to 70. At one point, the army authorities had listed 177 militant outfits.⁵⁵ Most of these organizations were splinter groups 'based in particular localities, enrolling few followers and habitually moving in and out of alliances and mergers with other groups'.⁵⁶

Although the Hizbul Mujahideen continued to be Pakistan's favourite, the latter had deliberately created a large number of militant outfits. Pakistan's strategy of patronizing a multiplicity of organizations was twofold. It ensured that the movement was not amenable to centralized control within the Valley, and by playing one against the other, they could counterbalance different groups. No single organization could claim the political and moral leadership of the movement to negotiate a deal with the Indian government.⁵⁷ Pakistan's subsequent efforts to unite the pro-Pak groups under an apex organization called the Jihad Council⁵⁸ failed to

stem inter-group clashes, particularly between the pro-accession and pro-independence groups.

Popular Disillusionment

With growing realization that *azadi* was not around the corner, people were becoming disenchanted. The much-anticipated Pakistani attack had not materialized, nor did the support of the Islamic countries offer any great solace. Militant factions began turning the guns on each other, and new recruits entering the fray were driven more by the glamour and power of the gun than ideology. Many militants extorted 'donations' from people (particularly from businessmen), forced people to offer food and shelter at gunpoint, and often abused the womenfolk. Some were engaged in illegal sale of timber and contract killings. The mass processions demanding *azadi* had long ceased and increasing criminalization and degeneration of militancy disillusioned the people. The militants were now feared, there was no affection or respect.

PHASE THREE

The Hazratbal siege and surrender of the militants in April 1993 marked the beginning of a turnaround. Militants lost face and people felt angry for having undergone severe hardships for nothing. Pakistan perceived it as a sign of fatigue among the Kashmiri militants, and in order to keep the militancy alive, a conscious policy decision appears to have been taken to push more Afghan veterans, Pakistani nationals and foreign mercenaries into the Valley. Political analysts argued that after forcing the Soviet withdrawal, many Afghan veterans were bringing back the larger battle of establishing 'truly' Islamic governments and were pushed into the Valley to wage a new jihad lest they start creating trouble within Pakistan.

Pan-Islamic Agenda

The induction of foreign mercenaries into Kashmir radically changed the character of militancy into complete Islamization and total negation of the Kashmiri component. They sought to forge a pan-Islamic identity in which the Muslim-majority Kashmir Valley was only a small element whose struggle was a part of the worldwide religious crusade. The proponents of the transnational Islamic

identity defined the *millat* to include the world's entire Muslim populace. They were fighting against various governments accused of terrorizing 'true Muslims' in Islamic states and Muslim minorities in the secular states of the world.

The self-professed goal was to establish a grand Islamic state stretching from Kashmir to Pakistan through Afghanistan, Iran and Central Asia, similar to the Islamic Caliphate of medieval times.⁵⁹ Some factions defined it as the first step towards converting the universe into *dar-ul-Islam* (land of Islam), while others focused on the immediate objective of establishing Islamic governments in moderate Arab states such as Egypt, Algeria, Tunis and Jordan and fighting against non-Muslim governments in Bosnia, Chechnya, Tajikistan, Myanmar, the Philippines and India.⁶⁰ They believed in one supreme leader and were not only committed to violating borders separating Islamic countries, but also justified armed interference in another country because Islam was under threat.⁶¹

Organizational Base

Who were these Islamic warriors? They comprised Pakistanis, Afghans, Sudanese, Lebanese, Turks, Arabs, Central Asian and Afro-American nationals who saw themselves as genuine 'Jihad Mussalmans'. Organizationally, these included the Harkat-ul-Ansar (HUA), the Harkat-ul-Jehad-Islami, the Harkat-ul-Mujahideen, the Jamiat-ul-Mujahideen and the Lashkar-i-Toiba. Most of these organizations had a Wahhabi orientation with a virulent militant outlook. The Harkat-ul-Ansar, for instance, is a Sunni organization close to the Deopandi school of thought, while its recruits came from the Tablighi Jamaat.⁶²

The HUA is an international network of Muslims who believe that 'frontiers could never divide Muslims' and offer their services for jihad anywhere in the world. It has an elaborate organizational structure with separate cells for fund raising, training and operations. The Harkat's members are highly committed Islamic militants who first received training in Paktia province from the Hizb-i-Islamia (Khalis) commander, Maulana Jalaluddin Haqqani, and gradually its commanders opened training camps inside Afghanistan, just across Miran Shah in the North-West Frontier province (NWFP).⁶³ Another organization, Markaz-Ud-Dawa-Wal-Irshad of the Ahle Hadith sect, had a military wing, Lashkar-i-Toiba, that supplied shopkeepers, office workers, students, ex-servicemen and unemployed youth from

centres in Afghanistan as volunteers in Kashmir to wage jihad.⁶⁴ By end-1993, the number of foreign mercenaries was estimated at about 1,200. Their infiltration continued throughout 1994-5. The battle-hardened Afghan war veterans were highly trained in sophisticated weapons; they changed the militant tactics by directly engaging the army through attacking pickets, checkpoints and patrol parties.⁶⁵

Negation of Kashmiri Struggle

Such Islamic militant organizations completely negated the Kashmiri ethos, for them Kashmiris' independence struggle and the right of self-determination were irrelevant. The Jamiat-ul-Mujahideen proclaimed:

The slogan that Kashmiris should decide the future of Kashmir has given rise to an evil, which was distorting the Islamic identity of the present movement and reducing it to a mere democratic movement. From [the] Islamic viewpoint, the people's opinion has no importance. God and the Prophet (Peace Be upon Him) law is the supreme one and should be obeyed. Barring this, no group and no individual can decide everything.⁶⁶ (emphasis added)

The Harkat's pan-Islamic philosophy was least concerned about the Kashmiris' preoccupation in staying independent or acceding to Pakistan. Kashmiriyat was debunked because Islam did not recognize territorial nationalism. The only real ideology was the ideology of the Islamic Caliphate transcending race, gender and territorial boundaries.⁶⁷ The Jamiat-ul-Ulema-Islam reiterated that, *Islam and independence were two contradictory slogans* and declared 'establishment of Caliphate' as the ultimate goal of Kashmiris' struggle.

Labelled as 'guest militants' by the Hizbul Mujahideen and the Jamaat-i-Islami, the foreign mercenaries' extremist Islamic orientation was alien to the socio-cultural ethos of Kashmiri society. The people strongly resented the political movement being hijacked by the Islamic warriors who had no respect for the religious beliefs of Sufi Islam and who debunked their political goal of independence.

Government Response

The growing disillusionment of the people with the degeneration and Islamist orientation of the militant movement opened a window of opportunity for the government. But the new Congress government, led by Narasimha Rao, pursued the old policies of outplaying the extremist elements through military pressure, opening negotiations

with the moderates, and holding elections. Little effort was made to assuage Kashmiris' hurt psyche.

Rajesh Pilot, Union Minister of State for Home, tried to break new ground by shifting from a law-and-order strategy to a political approach. The first step was to project the human face of the administration by replacing key personnel in civil and military positions in Srinagar. A new team espousing a soft approach, including Governor Krishna Rao, two senior IAS officers (Ashok Jaitley and Wajahat Habibullah) and Lieutenant General M.A. Zaki were appointed. Governor Rao's game plan was to win over the public by stopping random cordon operations alienating innocent civilians, meeting common people and addressing their complaints, and better discipline among the security forces. The government announced a package of preventive procedural rules to curb excessive brutality against the militants and to expedite the release of innocent persons. Besides, democratic politics needed to be revived by encouraging the grass-roots politicians to start communicating with the people.

A Unified Command to improve and institutionalize the coordination of counter-insurgency operations between the security forces and the civil administration was created in May 1993. Chaired by Lieutenant General M.A. Zaki, the senior commanders of the security forces met daily while the overall charge of internal security was entrusted to the Ministry of Home Affairs. The Army's role was expanded, although the paramilitary forces retained primary responsibility for internal security. The centre announced an economic package including expansion of higher education facilities, public works projects (repair and construction of roads and bridges), opening rehabilitation centres for training detained militants, revival of the Governor's Advisory Council, and re-opening of Srinagar's Passport office, All India Radio and Doordarshan stations. These attempts were severely criticized for offering 'too little, too late'. The state administration was disappointed because the package failed to address the unemployment problem, shrunken revenues, and staggering deficit while the militants objected to the government's attempts to pave the way for elections.⁶⁸ Massive strikes paralyzed the Valley.

Operational handicaps ensuing from personality clashes and weak coordination among different wings of the government and security forces derailed other administrative measures. In the Ministry of Home Affairs, Home Minister S.B. Chavan and his deputy, Rajesh

Pilot, were daggers drawn on issues ranging from appointment of advisers, the Hazratbal siege, negotiations with militants, retention of TADA, to the timing of holding elections. Chavan did not favour Pilot's efforts to bring Farooq Abdullah back in the Valley's politics and disagreed publicly with the latter's position on considering grant of autonomy before the polls. Governor Krishna Rao developed differences with both Chavan and Pilot and insisted on reporting directly to the Prime Minister. Krishna Rao's inaccessibility to the central government as well as his advisers and the state administration came under sharp criticism. Between 1993 and 1995, four of his advisers quit and the state Chief Secretaries were changed twice. The Unified Command never worked effectively. The Army and paramilitary forces distrusted each other and crucial intelligence information was withheld on important occasions.⁶⁹ Although Lieutenant General Zaki was supposed to coordinate counter-insurgency operations, the security forces were acting on their own. The whole system was in disarray. One wing of the government did not know what the other was doing, or worse, they were working at cross-purposes.

Pilot's political initiatives fared little better. His strategy was twofold: to bring Farooq Abdullah back into state politics, and help revive and mobilize the grass-roots cadre of the National Conference; and open a dialogue with Kashmiri militants, specially the moderate elements like the JKLF. Floating Farooq's name backfired; he remained anathema to Kashmiris because they believed that the rigging of the 1987 elections was directly responsible for triggering the militancy, nor was he forgiven for deserting the Valley during its worst turmoil. Talks with the JKLF were too transparent and failed to take into account the Hizbul Mujahideen's determination to derail any initiative for reviving the political process. The brutal killing of Dr Abdul Ahad Guru, a highly respected cardiologist, and a JKLF ideologue, on 31 March 1993 sent a chilling message that breaking ranks with the militants would be punished swiftly. However, despite the immediate failure of Rajesh Pilot's political initiatives, he had set the ball rolling.

PHASE FOUR

The fourth phase (1994-5) was marked by retracing steps in search of political avenues for negotiations, growing instances of people's resistance, opposition to militants' 'misuse of the gun', and

determined efforts to regain Kashmiri control over the movement.

Popular Resistance

Popular disillusionment with increasingly fragmented and criminalized militancy was the most critical factor in reversing direction. The gun for jihad had backfired. A Srinagar resident said, 'Militancy had a charm earlier but now it is a punishment.' In the first reported incident of public protest against the militants, 5,000 women demonstrated against the slaughter of a Pandit family in April 1992.⁷⁰ A year later, kidnapping of Nahida Imtiaz, daughter of National Conference MP Saifuddin Soz, was criticized because 'abduction of a woman was against their religious tenets' and it evoked appeals from JKLF leaders for her release. The metamorphosis in public response as compared to Rubaiya Sayeed's kidnapping only three years earlier was unmistakable.

In 1994, people actively resisted the militants. On 13 May 1994, a bid by militants to kidnap Yasmeen, daughter of National Conference leader Ali Mohammad Sagar, was foiled by a crowd of 2,000 people. In another incident, Muslims brickbatted the militants on shooting of two Hindu shopkeepers in downtown Srinagar.⁷¹ The militants still enforced their writ and the fear of the gun was all-pervasive, but the tide had turned. The message was not lost on the militants.

Exploring Political Avenues

Introspection in the militant ranks led some leaders to reconsider political solutions. The central government had earlier released five prominent leaders—Syed Ali Shah Geelani of the Jamaat-i-Islami, Abdul Ghani Lone of the Peoples Conference and Maulana Abbas Ansari, Qazi Nissar and Abdul Ghani Bhatt of the MUF—hoping that they would unite the disparate militant factions and prepare the ground for a negotiated settlement. An All-Party Hurriyat Conference (APHC) comprising 30-odd political groups and militant factions and an executive council from seven parties was formed. Chaired by the young Mirwaiz, Umar Farooq, the Hurriyat sought to bring different ideological strands into a common alignment. With a broadly pro-Pakistan and pronounced Islamic orientation, a common minimum position was evolved in 'demanding plebiscite to allow Kashmiris to exercise self-determination according to the UN resolutions including the right to independence'.⁷²

The Hurriyat's constitution was committed to peaceful political struggle although it included several militant outfits engaged in the armed struggle. It ruled out a negotiated settlement within the framework of the Indian Constitution and yet sought recognition from New Delhi as a legitimate mouthpiece of moderate Kashmiri opinion. The Hurriyat's internal contradictions, ideological divergences, subservience to Pakistan and failure to exercise political control over the militant outfits did not allow it to become an effective instrument for imparting political direction to the militant movement. The militants' open threat, 'We will liquidate them if they talk of anything other than self-determination under the UN resolutions',⁷³ gave little room for manoeuvre.

The process, however, survived with the release of the JKLF leader Yasin Malik in May 1994, and that of the Peoples League chief, Shabir Shah, in November 1994. These two leaders of the old guard enjoyed credibility in the militant ranks and popular support in the Valley. The JKLF had never toed Pakistan's line, and Shabir had come a long way from a pro-Pakistan standpoint to adopting a pro-people approach. Both were acutely conscious of the movement's loss of direction. Yasin declared that the first priority was to 'purify' the movement by weeding out the 'undesirable elements—criminals and Indian agents', and lashed out against the 'black-sheep who have been misusing the gun taken up for a sacred cause'.⁷⁴ Shabir Shah also acknowledged infiltration by criminal elements who were 'bent upon destroying the struggle'.

Many militant leaders joined the fray in protesting against the prevailing 'gun culture' and favoured exploring political options. Ghulam Nabi Butt, younger brother of Maqbool Butt said: 'Only the gun cannot get us *azadi*. The solution lies in talking across the table.' This view was echoed by JKLF leader Javed Mir: 'We can hold talks with the centre provided they centre around independence. *The gun after all is not the answer.*' Even Amanullah Khan reiterated, 'I would be a fool if I thought we could shunt out Indians only with the gun. . . . The fight is also political and diplomatic.' Azim Inqalabi appealed that the 'time was ripe for shedding the gun culture and taking an active part in the democratic struggle'. Yasin Malik had undergone a dramatic transformation in foreswearing the gun to adopt Gandhian methods of observing indefinite fasts. He announced a unilateral ceasefire and was prepared to hold talks with the Indian government provided 'there were no pre-conditions and we are treated equally'.

Regaining Kashmiri Control

A critical feature of this phase was conscious and sustained efforts to wrest the initiative from pro-Pakistan and foreign 'Islamic warriors', and reassert Kashmiri control over the movement. Charting a secular course, Shabir Shah stressed that 'it is not a fight between one and the other religion but a war between oppressed and oppressors'. He redefined the Kashmiri movement:

We demand right of self-determination to make it unambiguously clear to India that *we are a quam, a respectful and courageous identity* with a determination to march in step with others in the comity of nations. We are not a herd, which can be pushed around by India or Pakistan. . . . We will lay down our lives but will not permit any division of the state by the people in Islamabad or New Delhi. . . . The issue concerns 1.25 crore inhabitants of Jammu & Kashmir and a solution has to be acceptable to the three parties—India, Pakistan and the people of Kashmir.⁷⁵(emphasis added)

The Mirwaiz, Umar Farooq, characterized the movement as 'not an Islamic movement but a movement of Kashmiri people'.⁷⁶ Yasin Malik foiled the Harkat-ul-Ansar's attempts to appropriate the Hazratbal platform, a secular symbol of Kashmiri identity which had no place in the pan-Islamic philosophy. The Harkat's and Hizbul's ban on the Amarnath Yatra (pilgrimage) and their demand for the removal of bunkers around Hazratbal had alarmed the JKLF which could not surrender the initiative of safeguarding the Kashmiri ethos and allow the Harkat to hijack the Hazratbal shrine for serving Pakistan's territorial designs on Kashmir. The JKLF called a general strike, and Yasin Malik started an indefinite fast to press the point. On receiving an assurance from the government, he persuaded the Hurriyat to appeal to all militant outfits to lift the ban on the yatra.

Yasin Malik had refused to play second fiddle even to the Azad Kashmir leadership of the JKLF. His remarks on the eventual split from Amanullah Khan in October 1995 were significant as he asserted that, the 'movement cannot be run by remote control as Khan was doing [from Azad Kashmir]. We have ended the remote control of the JKLF'.⁷⁷ Finally, Yasin and Shabir tried building bridges between Kashmiri Muslims and Pandits. Stressing that 'Kashmiris are incomplete without Kashmiri Pandits', they visited refugee camps and appealed to the Pandits to return. Shabir went a step further and sought the support of the people of Jammu and Ladakh for the common cause of the 'right of self determination'.

Both Yasin and Shabir, however, failed in uniting militant factions because Pakistan directly controlled the powerful ones like Harkat-ul-Ansar and Hizbul Mujahideen.⁷⁸ The Hizbul Mujahideen's political patron, the Jamaat-i-Islami, called the shots in the Hurriyat Conference and scuttled all attempts to secularize the movement and bolster the independence option. Yasin was condemned for the un-Islamic practices of observing fasts, while Shabir's stand to involve the Kashmiri Pandits, Buddhists and Sikhs and to ensure representation of Jammu and Ladakh in the APHC evoked extreme discomfort. Both leaders lived under constant threat of liquidation, but they received overwhelming popular support.

Popular Reactions

Kashmiris resisted the Jamaat's efforts to impose Islamic ideology and often defied the Hizbul Mujahideen's strictures against observing centuries-old Kashmiri practices and festivals. The resistance of the people in Batamaloo in Srinagar on being restrained by militants from celebrating the annual *Urs* (a birth or death anniversary of a saint or rishi) of Batmoal Rishi, the burning down of part of Khanqah adjacent to the mausoleum of Baba Payamuddin Rishi in Tangmarg, and a clash in Aish Mugam when militants tried to prevent the local villagers from celebrating the *Urs* of Baba Zainuddin Rishi, are some examples.⁷⁹ At the Zain Shah Sahib near Gulmarg, more than 20,000 peasants assembled in defiance of the Jamaat and Hizbul to observe the festival of lights heralding the sowing season in the Valley. Clashes between the assembled peasants and the Hizbul militants resulted in the killing of the innocent.⁸⁰

In July 1994, the Hizbul's killing of Qazi Nissar for his pro-independence sympathies marked a significant milestone in the people's alienation from Pakistan. Thousands of Muslims participated in rallies and processions condemning the assassination and publicly denouncing Pakistan. The popular slogan '*Jo mangega Pakistan, Usko milega kabristan*' (Whosoever demands Pakistan shall be put into a grave) captured the public mood. The Jamaat-i-Islami leaders were unnerved and 'went into hiding for weeks together and the Hizbul militants were literally on the run in Anantnag, Shopian, Pulwama and Kulgam fearing people's wrath'.⁸¹ The Hizbul Mujahideen could then enforce its writ only through terror, as many admitted, 'If anybody protests, the answer is [a] bullet'.⁸²

Government Response

The government continued to drift and failed to capitalize on the situation to win the confidence of the people. Internal dissension dogged the decision-making apparatus. While Governor Krishna Rao survived a sustained campaign to oust him, many senior officers quit. In order to end the tussle between S.B. Chavan and Rajesh Pilot, Prime Minister Narasimha Rao divested the Kashmir Affairs Department from the Union Home Ministry and brought it under his direct control. This eliminated a valuable buffer between ministerial pronouncements and state policy and exposed the Prime Minister's stewardship to the risk of operational disability because his engagements did not allow adequate time to conceive meaningful political initiatives for Kashmir. The one-point game plan of holding elections was criticized as an ill-timed move and met with stiff resistance from across the political spectrum ranging from the BJP to the CPI-M at the centre, and the National Conference, the Hurriyat and migrant Pandits, as well as government officials. Popular reaction to elections ranged from apathy to antipathy, depending on the domination of militants in various places.

What forced the government to postpone elections was the Charar-i-Sharif crisis in April 1995. Following a prolonged military stand-off between militants and security forces, Kashmir's most revered saint Sheikh Noordin's shrine, Charar-i-Sharif, was destroyed in a massive fire that embittered the people and deepened their alienation. Significantly, for the first time, regional and national political parties joined people of all hues and colours in the state in condemning the government's failure to protect the shrine. The Hurriyat launched a fresh anti-election drive from Pulwama and torched more than a hundred government buildings which were to be used as polling stations.⁸³

Paradoxically, the Charar-i-Sharif tragedy proved to be a turning point in exposing the Islamic designs of Afghan mercenaries who had occupied the shrine. While the Army got the blame for its destruction, privately many Kashmiris and the people of Charar-i-Sharif, in particular, were incensed at the total disrespect and contempt of Mast Gul and foreign mercenaries for the Kashmiri shrine. The slogans of fighting jihad and '*Kashmir Banega Pakistan*', written on the half-burnt walls of the shrine of a rishi who had always spoken against religious beliefs dividing the people spoke volumes.⁸⁴ People's acceptance of government relief for rebuilding homes and

properties, in defiance of the Hizbul Mujahideen and the Jamiat-ul-Mujahideen's directives, sent the message home.

THE OTHER KASHMIR

Kashmiris' exposure to the social, economic and political realities on the other side had also left them disillusioned. Pakistan had long championed the Kashmiri right of self-determination, but denied basic civil and political rights to them in the areas under its control. This comprised two geographical units: the five districts of Muzaffarabad, Bagh, Kotli, Rawalkot and Mirpur which constitute Azad Kashmir,⁸⁵ and the Northern Areas, erstwhile Gilgit and Baltistan, which comprise the five districts of Gilgit, Skardu, Diamir, Ghizer and Ghanche. Pakistan administers the Northern Areas directly.

Azad Kashmir was *azad* (free) only in nomenclature. Its status was never defined in normal international legal terms by the Azad Kashmir or Pakistan governments or the UN. Leo Rose cites the United Nations Commission for India and Pakistan (UNCIP) resolutions which state that Azad Kashmir is not a sovereign state nor a province of Pakistan but rather a 'local authority' with responsibility over the area assigned to it under the Ceasefire Agreement.⁸⁶ The 'local authority' or the provisional government of Azad Kashmir as established in October 1947, had handed over matters related to defence, foreign affairs, negotiations with the UNCIP and co-ordination of all affairs relating to Gilgit and Ladakh areas to Pakistan under the Karachi Agreement on 28 April 1949.

The constitutional evolution of Azad Kashmir has been chequered.⁸⁷ But the one constant has been the supremacy of the Ministry of Kashmir Affairs (MKA) headed by a joint secretary to the Government of Pakistan, sitting in Islamabad. The right to adult franchise was first granted in 1970, more than two decades after becoming 'independent'. A new constitution devised by Z.A. Bhutto's government in 1974 provided for two executive fora—the Azad Kashmir government in Muzaffarabad and the Azad Kashmir Council in Islamabad.⁸⁸ The council is presided over by the Prime Minister of Pakistan and includes six other federal ministers, the Prime Minister of Azad Kashmir, six Azad Kashmir members elected by its assembly and the Minister of Kashmir Affairs as the ex-officio member. The Constitution listed 52 subjects—virtually everything of any importance—under the jurisdiction of the council

which was described as the 'supra power' by the Azad Kashmir High Court. Its decisions are final and not subject to judicial review.⁸⁹

An ex-president of Azad Kashmir described the situation as 'government of Azad Kashmir, by the Pakistanis, for Pakistan'.⁹⁰ He also pointed to the striking continuity of the 'old princely system' under British rule because of Islamabad's 'viceroy' role generally and the maintenance of the traditional *biradari* system locally. Under Section 56 of the Constitution, the Pakistan government can dismiss any elected government in Azad Kashmir irrespective of the support it may enjoy in the Assembly. Another instrument of exercising control is through assigning virtually all top civil and police administrative posts to Pakistan cadre officials who are 'on deputation' from Islamabad. Finally, the Azad Kashmir government is totally dependent on the central government for its finances.

Article 257 of the Pakistan Constitution (1973) states that 'when the people of the State of Jammu & Kashmir decide to accede to Pakistan, the relationship between Pakistan and that state shall be determined in accordance of the wishes of the people living in that state'. Yet the regulations and the Constitution (of 1974) bars from elective office any person 'propagating any opinion or acting in any manner prejudicial or detrimental to the ideology of the State's accession to Pakistan'. The oath of office for the president, prime minister, speaker, MLA or MLC (Member of Legislative Assembly/Council) of Azad Kashmir clearly incorporates a clause which states, 'I will remain loyal to the country and the cause of accession of the State of Jammu & Kashmir to Pakistan'. The JKLF and Jammu and Kashmir Peoples National Party (JKPNP) do not participate in the Assembly. Those seeking public employment or enrolment in educational institutions must also uphold this ideology. Bureaucrats and other government employees suspected of disloyalty to the official ideology are routinely dismissed from their jobs.⁹¹

The region known as Northern Areas is another constitutional enigma as the only area in Pakistan whose status is not specified in the Constitution. While Kashmir is mentioned as disputed territory, the Northern Areas are not even mentioned in the relevant schedule. Nor does it have an autonomous or constitutional status of its own. Thus, the people of the Northern Areas are not citizens of Pakistan within the meaning of the Constitution and they do not enjoy the fundamental rights guaranteed by the Constitution.

In the aftermath of Partition, these areas were declared to be part of the disputed territory of Jammu & Kashmir state so that whenever

a plebiscite was held, their votes would go in favour of Pakistan. In 1963, Pakistan unilaterally ceded a sizeable chunk of Gilgit and Baltistan to China, which has long had territorial claims in the area. Over the years, specially after the Shimla Agreement in 1972, successive Pakistani governments have sought to amalgamate these areas into Pakistan by declaring them as 'federally administered territories'. The Azad Kashmir governments, on the other hand, have been arguing ever since 1950 that Gilgit and Baltistan were a part of Kashmir and should thus be incorporated into Azad Kashmir.⁹² On being petitioned on the status of the Northern Areas, the Azad Kashmir High Court passed a verdict in March 1993 inveighing against the unrepresentative and arbitrary administrative system and denial of fundamental rights in the Northern Areas. It directed the Azad Kashmir government to immediately assume administrative charge of the region and asked the government of Pakistan to assist the Azad Kashmir government in the task.⁹³ The Pakistan government appealed in the Supreme Court, which, in a judgement passed on 14 September 1994, stated that 'the conclusion which we reach is that the Northern Areas are part of Jammu & Kashmir state but are not part of Azad Kashmir as defined in the Azad Kashmir Interim Constitution Act, 1974'.

Before October 1994, the people of the Northern Areas had no right to adult franchise for 47 years after they came under Pakistan's control. They had no elected assembly, or even a municipal council, and no representation in the Federal Assembly (though granted limited 'observer status' for a while during the Zia-ul-Haq period). In October 1994, the federal government allowed political parties of Pakistan, but not of Azad Kashmir, to extend their activities to the Northern Areas. The first party-based elections to a 26-member council called the Northern Areas Executive Council were held in October 1994, and it was announced on 31 March 1995 that its members would have the same status, emoluments and privileges as the members of the North-West Frontier Province Legislative Assembly. But the council has no legislative authority, only advisory powers. The real power continues to be vested in the Ministry of Kashmir and Northern Areas Affairs (KANA) which exercises supreme control in all matters. Pakistanis man the civil, police and security services.⁹⁴ There is no right of appeal against the judgements of the judicial commissioner. Local people perceive it as an alien administration because it is not accountable to them but to the federal government alone. The status of the Northern Areas is described as

that of a 'colony forgotten all about by the uncaring coloniser'.⁹⁵

The 1.5 million population of the Northern Areas has suffered total neglect barring the efforts of the Aga Khan Rural Support Programmes. They have no university and no professional colleges; and no industry has been set up in this area. The local people draw their subsistence from tourism and service in the armed forces. Government service is another means of livelihood, but the natives joining service are paid 25 per cent less than personnel from other provinces posted in the Northern Areas on deputation, causing great resentment among the locals. While the Mirpuris from Azad Kashmir have been able to migrate in large numbers to Western countries, this avenue is not open to people of the Northern Areas who require an exit visa from the Pakistan government for going abroad, which is difficult to obtain.⁹⁶ The Gilgit Scouts were banned in 1974 and replaced by the Chitral Scouts. Rechristened as the Northern Areas Scouts, they are dominated by Pakhtuns of the NWFP, and its headquarters are also located in Dir district of the NWFP's Malakand division.⁹⁷

In 1985-6, the Gilgit and Baltistan Bar Association demanded that the Northern Areas be made the fifth province of Pakistan, or be given a local government on the Azad Kashmir model. The result was a fierce crackdown by the military regime of Zia-ul-Haq, during which reportedly hundreds were killed. In addition, the Pakistani authorities have apparently been instigating Shia-Sunni clashes in the area to keep the population divided.⁹⁸ This led to an anti-Shia carnage in May 1988. A report by the *Herald* said:

In May 1988, low-intensity political rivalry and sectarian tension ignited into full-scale carnage as thousands of armed tribesmen from outside Gilgit district invaded Gilgit along the Karakoram Highway. Nobody stopped them. They destroyed crops and houses, lynched and burnt people to death in the villages around Gilgit town. The number of dead and injured was put in the hundreds. But numbers alone tell nothing of the savagery of the invading hordes and the chilling impact it has left on these peaceful valleys. . . . Today, less than two years later, Gilgit is an arsenal and every man is ready to fight. In March 1996, when the administration raided homes in Gilgit town to seize weapons, one was reminded of Karachi and Beirut, not Shangri-La.⁹⁹

These were followed by violent anti-Shia incidents in 1990, 1992 and 1993. It led to the rise of new political organizations of Shias demanding that the Northern Areas should be converted into a separate province called Baloristan or Balawaristan, names that are closely linked to the history of the areas, with an elected Legislative Assembly,

and the same status as Azad Kashmir. This demand was strongly opposed by the political parties of Azad Kashmir (a predominantly Sunni area), and the Sunnis in the Northern Areas particularly in Diamer district, who favour being a part of Azad Kashmir, as, combined with the Sunnis of Kashmir, they would form a majority. Gilgit's demographic profile, which was predominantly Shia, is also beginning to tilt towards Sunnis, hitherto a minority. The rapid settling mostly of Punjabis and Pakhtoons from outside, particularly the trading classes, created a sense of acute insecurity among the local Shias and resulted in antagonistic perceptions between the locals and outsiders.¹⁰⁰

In the early 1990s, owing to Pakistan's attempts to internationalize the Kashmir issue and growing cross-border movements among the Kashmiris, the developments in Azad Kashmir and the Northern Areas also came under the spotlight. For instance, the Pakistan government's blatant manipulation of the 1991 elections in Azad Kashmir followed by arbitrary dismissal and arrest of its Prime Minister, Raja Mumtaz Hussain Rathor, resulted in large-scale demonstrations in protest. The Pakistan Peoples Party (PPP) termed this an 'act of abduction' and Benazir Bhutto, then in the opposition, said: 'Pakistan . . . [has] arrested the Prime Minister of Azad Kashmir, rigged the state elections . . . and alienated the Kashmiris to such an extent that they want independence.'¹⁰¹ The tables turned in the 1996 elections when Nawaz Sharif alleged that Benazir's government had rigged elections in Azad Kashmir and said: 'What New Delhi has done in Srinagar, people of Islamabad repeated in Muzaffarabad.'¹⁰² Earlier, in 1992, Sardar Sikander Hayat Khan, the Azad Kashmir President, admitted that Azad Kashmir 'does not have the wherewithal of an independent government' and strongly criticized the Ministry of Kashmir Affairs (MKA): 'It is like hell. It is the worst example of bureaucracy. . . . It has not served Kashmiris at all. It has always divided and made them fight among themselves.'¹⁰³

By the mid-1990s, the insurgency across the border had begun to have a tremendous demonstration effect in Azad Kashmir and 'attendance at the JKLF meetings, for example, rose dramatically, despite the threat of harassment and victimisation'.¹⁰⁴ Tens of thousands joined the JKLF's cross-border march in 1992, and, following its forcible suppression and much to the discomfiture of the Pakistan government, Azad Kashmir observed a total three-day general strike in protest. On 5 January 1995, mass rallies were organized by the JKLF in Mirpur to observe the 'Third Option Day'.

The next year, on 11 February 1996, the anniversary of JKLF founder Maqbool Butt's execution in India, major public demonstrations against the Pakistan-backed authorities broke out in several towns in Azad Kashmir, and a large number of student activists were arrested.¹⁰⁵

Shia leaders in the Northern Areas were also disillusioned. Muzzafar Ali, the general secretary of the Northern Areas High Court Bar Association lamented: 'The government is instigating violence to suppress our genuine demands. . . . The state-subject rules remained enforced in Indian Kashmir after 1947 while we blundered by getting integrated without adequate guarantees into Pakistan for the sake of Muslim brotherhood. We have ended up without a Constitution, representation, even without civil or judicial rights as are available to our Pakistani brothers.'¹⁰⁶ The ground realities in Pakistan's own backyard exposed the hollowness of its assumed guardianship of human rights, self-determination, democracy and development across the Line of Control.

PHASE FIVE

In the Valley, the hallmark of the fifth phase (1995-6) was continuing decline of the militant movement, specially the 'Kashmiri component', voluntary surrender of militants and emergence of counter-insurgents or pro-India militants. Popular disillusionment, rethinking of the gun option by important leaders, and a high level of militant losses, with over 4,000 killed and arrested in 1995 alone, had sharply reduced fresh recruitment to the militant ranks. Many surrendered.¹⁰⁷

The Kashmiri component of the militant struggle earlier marginalized by Pakistan's ISI was on the retreat. Foreign mercenaries increasingly replaced Kashmiri militants. The pro-Pakistan militants were also alarmed at the turn of events, 'rendering Kashmiris irrelevant in Pakistani calculations and making the so-called "guest militants" not only the prime force in the movement against India but virtual masters of the scene'.¹⁰⁸ The security forces had gained a clear edge. A senior army officer commanding counter-insurgency operations in northern Kashmir said, 'No one now fights except foreign mercenaries, who know we will show them no mercy.' The success of the Kashmir Police's Special Operations Group in eliminating and arresting 60 top leaders indicated better local intelligence.

Counter-insurgents

Many militants who had surrendered switched loyalty and were now fighting to 'liberate Kashmir from agents of Pakistan'.¹⁰⁹ Termed 'friendlies' by the security forces, these pro-Indian militants earned the epithet of 'renegades' by the other side. They joined hands with the Army and the Rashtriya Rifles in particular which protected, funded, and armed them in return for fighting the Hizbul Mujahideen. Kukka Parrey became the symbol of this phenomenon, a local product, offspring of the criminalization of militancy. They exploited people's anger at excesses committed by the militants and were particularly successful in the Hizbul-dominated areas. A proliferation of pro-Indian militant outfits led them to quickly assert dominance over large parts of the Valley.¹¹⁰ Initially welcomed by the people, soon their ranks were also corrupted by the lumpen elements involved in the illegal trade of timber, extortions and looting.

'Peace with Honour'

A widespread revulsion against violence and the realization that *azadi* remained a far cry gave rise to votaries of 'peace with honour'. But Kashmiris lacked an effective political leadership which could understand the mass mind and respond to the changing situation with creative alternatives. The Hurriyat's rigid, negative and conditional stand in not negotiating with the government until Pakistan was involved in tripartite talks and refusing to participate in the elections only marginalized it further. Shabir Shah acknowledged the disillusionment of the people with the Hurriyat and their simmering resentment for 'its inability to fulfil their expectations' when he said 'we asked them for their sons, they willingly sacrificed; we asked them for their money, they donated generously. Now, if they don't get what [they] expected, their disgruntlement is not unjustified'.¹¹¹

But his attempts to break ranks and willingness to 'participate in the electoral exercise if they were organized in order to determine the real representatives of the people' was promptly rejected by the pro-Pak factions of the Hurriyat as well as the Indian government. The popular mood was captured by a group of ex-militants who decided to shun violence and hold unconditional talks with New Delhi. As top former leaders of the militant movement, including Babar Badr (chief of the Muslim Janbaaz Force), Imran Rahi (deputy chief of Hizbul Mujahideen), Bilal Lodhi (ex-deputy of the Hurriyat

leader Abdul Ghani Lone) and Mohinuddin (chief of the Muslim Mujahideen), their credentials were above board. In a significant departure, they did not insist upon Pakistan's involvement in negotiations. This political initiative offered an alternative platform to the Hurriyat, which was criticized sharply for pursuing rigid policies and 'zero achievements'. Its frequent calls for hartals had crippled the Valley's economy and the leaders' 'five-star life style' when the 'armed youth were laying down their lives' was denounced. A conspicuous absence of mass protests against the militants' offer for talks showed they were only voicing people's increasing disenchantment with the Hurriyat.

The central government responded positively and invited their 'Forum for Peaceful Resolution of J&K' for talks at New Delhi. Home Minister S.B. Chavan constituted a committee to consider the Forum's proposals for building confidence by releasing all detainees (specially those who were not charged with specific crimes), restraining the security forces, calling off offensive operations and disarming the 'renegade militants'.¹¹² Although the Forum's initiative was soon overtaken by the government's decision to hold the Lok Sabha elections, it definitely acted as a catalyst in bringing several militant leaders to the negotiating table. The Hizbul Mujahideen's former chief, Ahsan Dar, and Azim Inqalabi welcomed the initiative and later three other militant outfits wanted to be invited by New Delhi for similar parleys. The movement had clearly undergone a sea-change.

RESTORATION OF POLITICAL PROCESS

Elections dominated the government's agenda for reviving the political process in the Valley. Farooq Abdullah demanded an autonomy package, restoring the pre-1953 status, before the polls. Prime Minister Narasimha Rao's half-hearted offer to re-examine the Kashmir Accord (1975), announced from Burkina Faso, a small country in western Africa, belied hopes of earlier promises of 'maximum autonomy short of *azadi*'. It was 'too little, too late', but it did help in reintroducing the agenda of Kashmir's autonomy.

The decision to hold parliamentary elections in Jammu & Kashmir state was an important step. The odds were high. The Hurriyat's boycott was expected, and some moderate militant leaders also felt that elections were redundant. Without any meaningful offer of autonomy, the National Conference decided to keep out. The fear of

the gun was predominant. The counter-insurgents' entry into the electoral fray had raised apprehensions of political parties. The real issue, however, was the participation of the people. Contesting the 6 parliamentary seats were 152 candidates. An impressive turnout of 39 per cent in the Valley carried the day. Media reports attributing it to 'coercion' by the security forces had cast a shadow, but the fact that only 7 per cent of the votes cast were invalid pointed in the other direction. The government seemed to have crossed the Rubicon. The elections helped restore the legitimacy of political mechanisms and revived a democratic channel for articulating people's aspirations.

The political equations in the Valley changed rapidly. Pakistan lost face. The Hurriyat was further marginalized. The Common Minimum Programme of the United Front, a new coalition government at the centre, assured maximum autonomy to Jammu & Kashmir. The National Conference quickly realized that not contesting assembly polls would leave them in the wilderness.

Redefining Kashmiri Identity

After nine years of political oblivion, the National Conference mobilized Kashmiris as part of the Indian nation. Farooq Abdullah reiterated: 'We are a part of India. *It is only with India that we will progress and our Kashmiriyat survive.* Our identity can not survive in any other way. That is my belief'¹¹³ (emphasis added). He sought to revive the Delhi Agreement (1952) to give due honour and dignity to the Kashmiris and promised that the Pandits would be brought back 'with respect and honour'.

With voter turnouts ranging from 15 per cent to as much as 60 per cent in what most observers described as free and fair election, the National Conference emerged as the key regional political force with an overwhelming two-thirds majority of 59 out of 87 seats. More important, for the first time in the post-Independence history of Jammu & Kashmir state, it won the mandate from all three regions. A badly divided Congress lost both in Valley and the traditional strongholds of Jammu, reducing its strength from 26 to 7. The BJP raised its tally from 2 to 8 seats, all in Jammu.

But the Kashmiris' vote for Farooq's government was at best qualified support. People had voted against the gun and to replace the 'repressive and bureaucratic' regime with democratic channels for redressing grievances. The slogan of *azadi* had not lost appeal.

But realizing that *azadi* was not feasible, and with grudging respect for the coercive power of the Indian State, Kashmiris had sought a compromise. The battle of bullets was superseded, but the war of winning the hearts and minds of Kashmiris had just begun.

CAUSES OF FAILURE

Why did Kashmiris fail to achieve their political objectives? I shall discuss three important factors: the limited and divided social base, lack of effective external support, and flawed political and military strategies.

Limited Social Base

The JKLF demanded *azadi* for *all* the people of Jammu & Kashmir state, but actually articulated the political interests of only the Valley Muslims. Kashmiri Pandits were alienated, and Jammu and Ladakh bitterly opposed its secessionist agenda as we shall discuss in detail in the next chapter. The Jamaat and Hizbul Mujahideen's articulation of Kashmiris' Islamic identity was not supported by a majority of Kashmiri Muslims. After the romance wore off, Pakistan too had little appeal. Finally, the pan-Islamic identity was alien to Kashmiri Muslims, an extraneous imposition with no social base in the Valley. Kashmiris and their political aspirations counted little in the foreign mercenaries' worldwide religious crusade.

Lack of External Support

Kashmiri groups had singularly failed in mobilizing the national political parties, regional political groups and the Indian intelligentsia to support their cause. The human rights organizations were the only exceptions. Nor could Kashmiris effectively campaign through the media. The stand of Indian Muslims needs special mention. While the Muslim leaders in Bihar, Uttar Pradesh, Delhi and Hyderabad criticized the centre's handling of Kashmir, no one supported its right to secede. The Indian Urdu press objected to holding the Indian Muslims hostage to the fate of Kashmir rather than the Kashmiri issue.¹¹⁴

In contrast, the Kashmiris—backed by Pakistan's diplomatic machinery—succeeded in drawing the world's attention to their cause. But after the initial barrage of criticism of the Indian

government for human rights violations in the Valley, the Kashmiris' plank of self-determination found little support even among the OIC members. The Shimla Agreement remained the buzzword in world capitals, for no country was prepared to hold its relationship with India hostage to the Kashmir issue.

In fact, by 1993-4, the tables had turned on Pakistan. As the Indian government improved its human rights record and opened the Valley to diplomats and the foreign press, the submissions of the Pakistan's armed support to Kashmiris gained credence. The induction of foreign mercenaries into Kashmir and the recognition of the increasingly pan-Islamic character of the militancy caused consternation among many who had become victims of international Islamic terrorism. Pakistan came close to being blacklisted as a terrorist state by the USA in 1993.¹¹⁵

Pakistani attempts to internationalize the Kashmir issue had also failed. Pakistan was persuaded by 'Islamic' Iran and its 'friend and ally' China against moving any resolution against India at the UN Human Rights Commission in Geneva in 1993. The next year, even the OIC Contact Group decided to drop the resolution on Kashmir in the UN International Security Committee for lack of support among its members.¹¹⁶ Overall, beyond expressions of sympathy, the much-anticipated international support for the Kashmiri cause did not materialize. The international situation itself had undergone a sea-change belying the early aspirations of Kashmiris. Afghanistan had degenerated into a civil war between warring factions of mujahedin, and by 1995-6, the Taliban's imposition of medieval anarchic Islamic practices had brought home the dangers of Islamizing their own society. The breakup of the Soviet Union and Yugoslavia resulting in several international ethnic conflicts had made world leaders wary of disturbing international boundaries and creating new states.

The most critical source of external support was Pakistan. Kashmiris' romantic vision of the 'Promised Land of Pakistan' died quickly. Pakistan's support for the right of self-determination had come with a rider—that of *Kashmir's support for accession to Pakistan*. An independent Kashmir was ruled out. Since Pakistan controlled key levers of the militant movement, every militant outfit which did not serve Pakistan's interests was systematically marginalized.

The JKLF leadership had failed to see through Pakistan's game plan and miscalculated gravely in relying solely on Pakistan for funds, arms and training. By the time the goal of *azadi* caught the people's

imagination, the JKLF had been marginalized and replaced by the pro-Pak Hizbul Mujahideen. When the latter began to lose momentum and failed to recruit Kashmiri militants in large numbers, they too were superseded by foreign mercenaries of the Harkat-ul-Ansar. Gradually, all militant groups realized that Pakistan did not have the military wherewithal, nor any intention, to risk a full-scale war with India to liberate Kashmir. Many believed that Pakistan was using Kashmir merely as a pawn for 'bleeding India'. The Pakistan government's manipulation of Azad Kashmir elections, subjugation of people in the Northern Areas, and the suppression of *mohajirs* in Sindh exposed its brutal face. The honeymoon with Pakistan was over.

Flawed Strategies

The militant movement also failed because it lacked a coherent and effective military strategy. Militant violence was most effective in 1989-90. At the peak of militancy in 1990, there was a naive belief that the Indian State would soon 'withdraw', granting Kashmir independence, rather than continue with a well-planned and long-term military strategy of 'liberating Kashmir'. The militants were overtaken by the mass processions demanding *azadi*. The real threat to the Indian State was not as much from Kashmiri militant struggle as from mass demonstrations which symbolized total rejection of state authority. The Indian State has considerable experience in successfully tackling insurgency in the North-East and Punjab, but has rarely faced mass movements demanding secession. When the militants failed to channelize the mass demonstrations for their cause, nor sustain them, the battle was clearly lost.

None other than its patron, Pakistan, quickly neutralized the military might of the JKLF. Devoid of new weapons, cadres and funds, the JKLF was no match for the massive military power of the Indian State. Moreover, it also faced the lethal challenge of the Hizbul Mujahideen which had Jamaat-trained, highly disciplined cadres, better equipment and better military strategy. Their goal of joining Pakistan or their Islamic ideology failed to convince people in the Valley. The average Kashmiri militant was driven more by economic and political frustration and a deep-seated sense of taking revenge against the perceived oppression than by ideological zest. Religion was simply not an important motivating factor; he never considered himself a holy warrior.¹¹⁷ Without popular support, the

battle-hardened foreign mercenaries were also doomed to failure. Thus, the JKLF enjoyed popular support but lacked weapons and a military strategy, while the Hizbul Mujahideen was better equipped but did not have popular backing. Without each other's support, both failed. Shabir Shah and Yasin Malik tried to impart a new direction, but under Pakistan's pressure, both were soon forced to retrace their steps.

The militant movement was ideologically divided into pro-accession and pro-independence camps and fragmented deeply among numerous outfits. The Hurriyat Conference also lacked a clear, consistent and consensual strategy of achieving its political objectives. Rife with ideological differences, factionalism and personality clashes, it could agree on little beyond the common minimum position of 'plebiscite under the UN auspices' and was totally isolated due to its rigid stand on 'no negotiations without Pakistan'. Finally, criminalization and degeneration of the militancy alienated the masses. The gun had backfired, brutalizing the entire Kashmiri society. A complete generation of youth had gone astray and the children were becoming desensitized to violence, which many feared could lead to de-humanization in due course.¹¹⁸

On the other side, the Indian State had fended off Jammu & Kashmir's secession, but the political battle of weaning Kashmiris back into peace and the Indian mainstream had ended in a stalemate. Secessionists had been crushed, but pro-*azadi* sentiments had not lost appeal. The people seemed to be resigned to their fate under the existing political dispensation. Kashmiris' collective sense of disenchantment with the Indian State persisted. State elections and a popularly elected government was only a good beginning.

NOTES

1. The author's conversations with militants, political activists, intellectuals and journalists lend credence to this assessment. A common refrain of militants interviewed was: 'We were left with no option but to pick up the gun.' Many MUF leaders who contested or campaigned in the 1987 elections later became the chief and area commanders of various militant outfits. Syed Salahuddin, Supreme Commander of the Hizbul Mujahideen who had contested elections from Srinagar constituency is a prominent example.
2. The Station House Officer (SHO), Police Station Maisooma at Srinagar was killed in broad daylight outside the Hazratbal shrine on 1 December 1989. For two

- hours, no one dared remove his body from the road for fear of annoying the militants. Ultimately, the militants themselves put it on a garbage cart and left it outside a police station. As he had been branded a 'traitor' even his colleagues were afraid to touch his body. In another such incident, a police officer and JKLF leader Hamid Sheikh shot at each other in a crowded market area in Srinagar. While Hamid's supporters immediately took him to hospital, the injured police officer kept bleeding on the road for a few hours. Immediately afterwards, Abdul Majid Masoodi, Deputy Superintendent Police (DSP), Baramulla was killed by militants. His wife refused to come to the graveyard, and some colleagues buried him quietly. Such attacks were accompanied by warnings to the 'traitors' that they would be given exemplary punishment if they were found to be 'collaborating with the enemies', meaning the government and the security forces. Ved Marwah, *Uncivil Wars: Pathology of Terrorism in India*, New Delhi: Harper Collins, 1995, p. 61.
3. On 2 January 1990, R.N.P. Singh, Assistant Central Intelligence officer, was shot dead in Anantnag. Sub-Inspector of the Intelligence Bureau (IB) Gopal Chauhan was killed on 8 January 1990. On the same day, Inspector Hamidullah Bhatt of the state's Counter-Espionage Cell in Srinagar, and Head Constable Ghulam Mustafa Jatoi working in Criminal Investigation Department (CID) counter-intelligence wing were shot down. Out of 32 officers in the Valley, the IB had decided to pull out the totally unprotected operatives, numbering 26.
 4. Shekhar Gupta, 'Kashmir Valley: Militant Siege', *India Today*, 31 January 1990, p. 27.
 5. As cited by Tavleen Singh, *Kashmir: A Tragedy of Errors*, New Delhi: Viking, 1995, p. 113.
 6. As cited by A.G. Noorani, 'The Betrayal of Kashmir: Pakistan's Duplicity and India's Complicity', in *Perspectives on Kashmir: The Roots of Conflict in South Asia*, Raju G.C. Thomas (ed.), Boulder, Col.: Westview Press, 1992, p. 260.
 7. Interviews of the JKLF militants with the author, March 1995 to September 1997.
 8. As cited by Marwah, op. cit., pp. 60-3.
 9. Ibid.
 10. Some officials felt it was a failure in correctly reading intelligence information rather than gathering information. Interviews with senior Army and BSF officers and police officials.
 11. One officer narrated the story about a peculiar and sharp rise in theft cases of gumboots from shops and houses. In retrospect, he felt that no one suspected that they were being used by the youth for crossing the snowbound mountain passes on the Valley's border with Pakistan.
 12. Mustapha Kamal Pasha, 'Beyond the Two-Nation Divide: Kashmir and Resurgent Islam', in Thomas, op. cit., pp. 373-4. The Kashmir problem as a part of the general upsurge in Islamic fervour that ranges from 'east to west' then south 'covering Kashmir, Azerbaijan, Kosovo, Lebanon and [the] West Bank where some of the most violent, volatile conflicts in the world are being played out with a deep historical current' running through them all. Charles Krauthammer, 'This Islamic Arc of Crisis Traces a Global Intifada', *International Herald Tribune*, 17-18 February 1990, p. 4. Also see Akbar S. Ahmed, 'Kashmir 1990: Islamic Revolt or Kashmiri Nationalism', *Strategic Studies*, XV: 22-9, Autumn 1992.
 13. Jagmohan started the first day in office with 35 dead in police firings and over 400 arrested. During his first week in office, about 90 people including a dozen

- security officials fell to bullets. Prabhu Chawla, 'J&K: A Formidable Challenge', *India Today*, 15 February 1990, p. 40.
14. See Jagmohan's interview in *Current*, 26 May-1 June 1990.
 15. Yasin Malik, *Our Real Crime*, Srinagar, JKLF, 1994, pp. 93-8.
 16. Amanullah Khan, 'Kashmir Tangle—the Only Way Out', *Frontier Post*, 6 December 1995. Also see his book, *Free Kashmir*, Karachi: 1970, and presentation at the Round Table Discussion on Kashmir organized by the Socialist Group, European Parliament at Brussels, Belgium, October 1993.
 17. Tahir Amin, *Mass Resistance in Kashmir: Origin, Evolution, Options*, Islamabad: Institute of Policy Studies, 1995, pp. 94-5.
 18. An Asia Watch Report in 1991 stated that the Kashmiri militants did not deny receiving support from Pakistan and Kashmiri officials acknowledged the existence of training camps inside Pakistan. *The Tribune*, 1 August 1991. This is corroborated by the author's interviews with JKLF leaders.
 19. *The Nation*, 1 November 1991; *The Pakistan Times*, 31 October 1991.
 20. Conversations with a cross-section of active and ex-militants.
 21. Amanullah Khan's interview with Madhu Jain in *India Today*, 28 February 1990, p. 28; and Amin, op. cit., p. 93.
 22. The doctors had addressed an open letter to the 'Medical Fraternity of the World' on 26 June 1990, protesting against the atrocities of the security forces. The All Kashmiri Engineering Department Employees Union, about 3,000 engineers and 70,000 unskilled labourers including the Kashmiri Pandit chief engineers, staged a dharna (sit-down strike) at the district headquarters in the Valley and issued a letter to the administration to release thousands of innocent Kashmiris including their colleagues from prisons within and outside Kashmir; direct the security forces to stop harassing engineers and other government employees, and immediately reinstate all dismissed government employees. The lawyers in the Valley struck work in protest against detention of their colleagues and formed a committee challenging the government notification (of 1 May 1990) which abolished the functioning of the designated court in Srinagar related to cases under TADA and extended the jurisdiction of the related court in Jammu to the entire state. *Sunday Mail*, 8 July 1990.
 23. However, the politically dominant sections of Azad Kashmir's population comprising Sudhans and Jats have been campaigning actively for the merger of the entire state of Jammu & Kashmir with Pakistan: Tapan Bose (1996), 'The Kashmir Dispute', *Liberal Times*, 14 (1): 14.
 24. Riyaz Punjabi's statement in 'Crossfire: Kashmir, Drift to Disaster', *India Today*, 31 August 1991, p. 84.
 25. Shekhar Gupta, 'Kashmir Valley: Militant Siege', *India Today*, 31 January 1990, p. 22.
 26. Malik, op. cit., p. 96.
 27. Pankaj Pachauri and Zafar Miraj, 'Kashmir Valley: Drifting Dangerously', *India Today*, 15 January 1990, p. 10.
 28. Conversations with high-level government officials and senior police officers corroborated this point. Privately, many admitted that government vehicles and army trucks were used in several cases to help the Pandits migrate to Jammu. Balraj Puri refers to an initiative of forming a joint committee of two communities headed by former Chief Justice of the High Court Mufti Bahauddin Farooqi and the Pandit leader H.N. Jatto as vice-president, in order to allay apprehensions of

- the Kashmiri Pandits. A number of Muslim leaders and militant organizations also appealed to them not to leave the Valley. The state government scuttled the idea when Jatto himself migrated to Jammu. He later disclosed that the Governor had sent a DSP with an air ticket to Jammu, a jeep to take him to the airport and advised him to leave Kashmir immediately. Puri concluded that 'obviously the Governor did not believe that the effort at restoring inter-community understanding and confidence was worth a trial'. Balraj Puri, *Kashmir: Towards Insurgency*, New Delhi: Orient Longman, 1993, p. 65.
29. At the time of the formation of the Jan Sangh, Dr Syama Prasad Mookerjee drew the attention of delegates to two issues: the special relationship of Kashmir with India, and the condition of the Hindus in East Bengal. Its manifesto focused on *Bharatiya* (Indian) culture, Hindi as link language, full integration of Jammu & Kashmir and the denial of safeguards to minorities. See Gautam Navlakha, 'Invoking Union: Kashmir and Official Nationalism of *Bharat*', in *Region, Religion, Caste, Gender and Culture in Contemporary India*, T.V. Sathyamurthy (ed.), New Delhi: Oxford University Press, 1996, pp. 102-3. Also see his article, 'Defending National-Cultural Identity', *Economic and Political Weekly*, 25 (9): 423, 3 March 1990.
 30. Shekhar Gupta, 'Gathering Storm', in *India Briefing 1990*, Marshall M. Bouton and Phillip Oldenburg (eds.), Boulder, Col.: Westview Press, 1991, p. 42.
 31. Jagmohan, *My Frozen Turbulence in Kashmir*, New Delhi: Allied Publishers, 1991, pp. 375-93, and his interview in *Current*, 16 May-1 June 1990.
 32. Author's interviews with senior Kashmiri police officers.
 33. Another junior police officer said, 'When I was trying to find out the truth about security forces abuses, they told me I was working for militants. I did not want to be disloyal but we were being pushed towards the militants.'
 34. His strategy was to put strong and sustained pressure on the terrorists and their collaborators; treat the situation as a low-intensity war; organize counter-guerilla groups; effectively block the supply line of the adversaries; prevent the flow of state resources to terrorists; identify and remove subversive elements from government organizations; provide an honourable line of retreat and route to power through fair and free elections to all except pro-Pak fanatics; and prosecute [terrorists] speedily through the designated courts. See Jagmohan, 'Past, Present and Future', *Seminar*, 392: 24.
 35. Jagmohan in *Current*, 16 May-1 June 1990.
 36. Marwah, op. cit., p. 95.
 37. Robert Wirsing, *India, Pakistan and the Kashmir Dispute*, New Delhi: Rupa, 1994, pp. 122-3.
 38. As cited by Noorani in Thomas, op. cit., p. 261. Also see Amaunullah Khan's interview with Harinder Baweja, *India Today*, 31 December 1992.
 39. Noorani in Thomas, op. cit., p. 260.
 40. Author's interview with a top JKLF leader.
 41. Tahir Amin, a Pakistani analyst, puts the number at 20,000-25,000 based on his interviews with the Hizbul Mujahideen leaders. Amin, op. cit., p. 92.
 42. Amin, *ibid.*, p. 92; Alifuddin Tarabi, *Hizbul Mujahideen: The Principles and Struggle* (translated from Urdu, n.d.); and Shamsul Haq, *Hizbul Mujahideen: Its Background and Struggle* (translated from Urdu), Rawalpindi: Markaz Matbuit Kashmir, May 1994.

43. Hizbul Mujahideen's Supreme Commander, Syed Salauddin's briefing to the cadre as reported to the author.
44. A US Report of a Task Force on Terrorism has thrown some light on the nature of weapons used by the militants. They include 107 mm rockets, 60 mm mortars, 40 mm automatic grenade launchers and small arms including Type 56-ARs (PRC-AK-47s), several types of machine guns, long-range sniper rifles, RPGs (Rocket-Propelled Grenades), special communications systems like small radios (systems with frequency hopping, selective broadcasts, digital burst communications) and collapsible solar panels for reload systems as well as frequency scanning devices for detecting and homing in on military-type broadcasts. 'Report of Task Force on Terrorism and Unconventional Warfare, House Republican Research Committee, US House of Representatives: The Kashmir Connection', 21 May 1994.
45. Vernon Hewitt, *Reclaiming the Past?*, London: Portland Books, 1995, p. 186.
46. Tarabi, op. cit.
47. See her interview with Harinder Baweja, 'Kashmir Valley: Challenge of the Veil', *India Today*, 15 September 1991, p. 51; and *The Times of India*, 22 September 1990.
48. Haq, op. cit., p. 24 (translated from Urdu).
49. As translated and cited by Jagmohan, op. cit., p. 396.
50. *Ibid.*
51. Harinder Baweja, 'Kashmir: A Pox on Both Houses', *India Today*, 15 March 1992, p. 61. Also see Harinder Baweja, 'Kashmir: Losing Control', *India Today*, 31 May 1993, p. 39.
52. *Sunday Mail*, 8 July 1990.
53. Harinder Baweja, 'Doda: The Secret War', *India Today*, 15 August 1994, pp. 50-5; Sukumar Muralidharan, 'Battles Within', *Frontline*, 1 July 1994, pp. 4-13; Sukumar Muralidharan, 'Nightmare at Doda', *Frontline*, 15 July 1994, pp. 4-13.
54. Marwah, op. cit., p. 103. Marwah writes that Saxena was dealing directly with anti-terrorist operations, often without informing senior officers about important operations.
55. See Appendix VI.
56. Wirsing, op. cit., p. 132.
57. Marwah argues that multiplicity of groups is important for purely tactical reasons as well. The underground terrorist organizations need to protect their secrecy and hideouts. By sponsoring a number of groups, they ensure that even after the arrest of the members of one group, other groups can continue to remain alive. Marwah, op. cit., p. 108.
58. Located at Muzaffarabad, the Jihad Council was chaired by a senior ISI officer. Its main functions were to act as a representative organization to the Pakistan government on behalf of all militant groups, raising and distribution of funds, project requirements of arms, ammunition, logistical support, training and induction of militants in the Valley, and arbitrating differences between militant groups.
59. Riyaz Punjabi, 'The Concept of Islamic Caliphate: The Religious and Ethnic Pulls of Kashmir Militant Movement', *United Kashmir Journal*, May-June 1994, p. 2. A manifesto of Harkat-ul-Jihad-Islami states that 'the prime purpose of this Jamaat is dominance of Islam all over the world . . . we will never rest content until we attain a threefold objective: freedom of all occupied Muslim areas,

- complete protection of all Muslim minorities and the regaining of Islamic glory' and offers to serve as 'a second line of defence of each Muslim country'. A political pamphlet of Harkat-ul-Ansar (n.d.).
60. Kamran Khan, 'Harkat-ul-Ansar: Pakistan's Islamist Commandos Engaged in Jihad Worldwide', *The News*, 13 February 1995.
 61. According to Abu Jindal, an HUA member apprehended by the Army at Charar-i-Sharif, 'Jihad means to kill all those who are not Muslims. Only Muslims who practise the religion truly should live, rest all the people should be put to death.' An Army officer's conversation with Abu Jindal as told to the author. Also see his interview in *The Kashmir Times*, 17 May 1995.
 62. For details about the doctrinal roots of major Islamic parties, see Mushahid Hussain, 'Among the Believers', *The Herald*, September 1992, p. 38.
 63. Kamran disclosed that a typical Harkat mujahedin after necessary in-house security clearance is sent for a 40-day training programme in making bombs and explosives, hurling grenades and using light and heavy weapons. Then he is sent to the relevant Harkat commander who arranges weapons and selects routes to transport the mujahid to the area of active operations where he would work under a field commander. Each worker volunteers his services for a period ranging from 40 to 120 days. Under the set procedure, the mujahid is told in advance that in case of martyrdom, his body would be buried at the place of operations and not sent back to his home country. See Khan, op. cit.
 64. Another Ahle Hadith faction, the Markazi Jamiat-e-Ahl-e-Hadith, had links with the Wahhabi Governor of Kunhar province in Afghanistan who provided training to Jamaat volunteers. See Aziz-ud-Din Ahmed, 'Pakistani Religio-political Parties in Kashmir Jihad', *United Kashmir*, May-June 1994, p. 37; Adnan Adil, 'The Militant Face of Fundamentalism', *Friday Times*, 9-25 October, 1995.
 65. Marwah, op. cit., pp. 132, 134. They were given more sophisticated weaponry and explosives which included 107 mm artillery shells, fin-stabilized air-to-ground rockets, 60 mm mortars, high-velocity grenades meant to be used from automatic grenade launchers (AGLs), disposable rocket launchers, grenades of NATO origin, portable solar panels for charging batteries, pen pistols of Japanese origin, silencers for both AK-56 assault rifles and gun pistols, telescope-fitted Dragunov sniper rifles with infra-red capability and a large variety of improvised explosive device (IEDs).
 66. *The Daily Srinagar Times*, 30 August 1993.
 67. Statement by Tehrik-e-Khilafat-e-Islamia (The Movement for Islamic Caliphate), Punjab, op. cit., p. 4.
 68. Wirsing, op. cit., p. 179.
 69. Senior officers of the Army, BSF and police acknowledged weak coordination among security forces as a serious handicap in counter-insurgency operations. Interestingly a professional consultant to the Indian Army on counter-insurgency, criticized the Unified Command on the grounds that the government had in fact created a *disunited* command with no one really in control, and with each security service pitted against the other in order to control its turf. Lieutenant General M.A. Zaki had actually not been given real authority over anything—not the local police, not the paramilitary forces and not the Army. Cited by Wirsing, *ibid.*, p. 177.
 70. Harinder Baweja, 'Kashmir: People turning Against the Militants', *India Today*, 31 May 1992, pp. 70-1.

71. Ramesh Vinayak, 'Kashmir: New Straws in the Wind', *India Today*, 30 June 1994, p. 64; Harinder Baweja, 'Kashmir: A Subtle Change in Mood', *India Today*, 31 March 1991.
72. Constitution of the All Party Hurriyat Conference. See Appendix VII. The Hurriyat constitution enjoins upon its members to 'make endeavors, in keeping with the Muslim-majority character of the state for promoting the building up of a society based on Islamic values while safeguarding the rights and interests of non-Muslims'. Later, its sister concern based at Muzaffarabad independently evolved an Islamic code requiring the activities of all organizations and groups to strictly follow Islamic principles and unitedly wage a jihad against India. It wanted all of them to organize special courses in the Islamic way of life for their activists and ensure total adherence. *The Kashmir Times*, 20 September 1994.
73. Statement by Khaled Ahmed, spokesman of the Hizbul Mujahideen. Yasin Bhatt, chief of Ikhwan-e-Muslemeen also reiterated, 'We will support them only if their programme is in the interest of the Kashmiri cause.' Harinder Baweja, 'Kashmir: A Calculated Gamble', *India Today*, 30 April 1992, p. 147.
74. Muralidharan in *Frontline*, 15 July 1994, p. 5.
75. *The Kashmir Times*, 15 October 1994.
76. See his interview in *The Herald*, April 1995, p. 65.
77. See Yasin Malik's interview with Ramesh Vinayak in *India Today*, 15 October 1995, p. 80.
78. The year 1994 stood out for the number of militants killed *not* by the security forces but in internecine warfare. According to official estimates, 200 militants were killed in inter group clashes. The Muslim Mujahideen and Hizbul Mujahideen between them lost 29 members in Baramulla and Kupwara and 55 militants were killed in clashes between the Hizbul Mujahideen and JKLF as the Hizbul tried to gain dominance in Srinagar—the bastion of the JKLF. In Kupwara, the Hizbul Mujahideen exchanged fire with Al Barq, resulting in the killing of 15 militants. Harinder Baweja, 'Kashmir: The War Within', *India Today*, 15 July 1994, p. 63.
79. Riyaz Punjabi, 'Charar-i-Sharif Tragedy: The Ideological Complexities', in *Charar-i-Sharif: Crisis, Complexity and Tragedy*, An Occasional Paper by the Centre for Peace Studies, New Delhi: n.d., p. 4.
80. *Ibid.*, and see also P.N. Jalali's paper titled, 'Charar-i-Sharif: Destruction and Resurgence of Kashmiriyat', *ibid.*, p. 13.
81. O.N. Dhar, 'No Longer a Kashmiri Insurgency', *The Hindu*, 18 January 1996. Dhar adds that Hurriyat leaders like Maulvi Umar Farooq and Abdul Ghani Lone who had at first attributed the assassination to the Indian security forces, but, failing to carry conviction with the mass of people who knew how and why the young Maulvi had been liquidated, were forced to promise an impartial public investigation and punishment to those found responsible.
82. Based on field impressions and interaction with the people in Valley. The author has seen many posters which issued orders imposing restrictions on the people's visits outside the Valley, visits to army canteens to purchase household provisions, on keeping shops open without militants' permission at late hours and going to army camps or meeting apprehended militants in jails. Nearly all such posters carried a dire warning, 'Anyone violating will be shot.'
83. Ramesh Vinayak, 'J&K: The Election Nobody Wants', *India Today*, 15 June 1995, p. 61.

84. Some residents of Charar-i-Sharif narrated stories of Mast Gul desecrating the shrine by walking around with shoes. When the imam of the adjoining mosque protested, he was beaten up. A few admitted reluctantly that if Mast Gul did not intend harming the shrine, he would not have dug in IEDs all around the shrine and the mosque.
85. In 1950, Azad Kashmir consisted of Kundal Shahi, Muzaffarabad and Uri *tehsils* in Muzaffarabad district; Bagh, Sudhanuti, and part of Haveli *tehsils* in Poonch district; and Mirpur, Kotli, and part of Bhimber *tehsils* in Mirpur district.
86. Leo E. Rose, 'The Politics of Azad Kashmir', in Thomas, op. cit., p. 236. UNCIP Resolution, 12 August 1948, clause A-3 reads: 'Pending final solution, the territory evacuated by the Pakistani troops will be administered by the local authorities under the surveillance of the Commission.'
87. For an excellent summary of these developments, see Rose, *ibid.*, pp. 237-44.
88. *Ibid.*, p. 240.
89. As cited by I. Rammohan Rao, 'POK in Fetters', *The Hindustan Times*, 18 May 1996.
90. As cited by Rose in Thomas, op. cit., p. 252.
91. Sumantra Bose, *The Challenge in Kashmir: Democracy, Self-Determination and a Just Peace*, New Delhi: Sage Publications, 1997, p. 68.
92. Their arguments were: (a) The Northern Areas were historically a part of the state of Jammu & Kashmir; (b) according to the Government of India census for the years 1911, 1921, 1931 and 1941, Ladakh, Gilgit and Gilgit Political Agency were included in the state of Jammu & Kashmir; (c) the erstwhile Maharaja of Kashmir had leased the areas to the British in March 1935 for 60 years—the agreement ceased to exist owing to the coming into force of Section 7 (1)(b) of the Indian Independence Act whereupon the Maharaja took over the possession of the Northern Areas and appointed Governor Ghanshara Singh who took over the charge from British Resident Lieutenant Colonel Becon; (d) in July 1947, elections to Kashmir State Assembly were held, and Raja Jagmat Dadoo Nano, Chewing Rinchin, Raja Fateh Ali Khan, Ahmed Ali Khan, Raja Raza Khan and Mohammad Javed Ansari were the members of the state assembly from the Northern Areas; (e) in 1949, the Azad Kashmir government was not in a position to look after the areas due to lack of communication facilities, therefore, the administration of the Northern Areas was transferred temporarily to the Government of Pakistan in April 1949; (f) in the March 1963 Sino-Pakistan Agreement, Clause 6 provides that the Northern Areas were part of Jammu & Kashmir; the Indian government lodged a protest in the United Nations and the Pakistan Foreign Minister categorically stated on the floor of the United Nations that the Northern Areas were a disputed territory, being part of the state of Jammu & Kashmir; and (g) none of the constitutions of Pakistan—1956, 1962, 1972 and 1973—recognize that Northern Areas are part of Pakistani territory.
93. *The Dawn*, 14 April 1993.
94. There are six important officers namely the Chief Executive Officer (CEO), the commissioner, the deputy commissioner, the inspector general of police, the judicial commissioner and the chief of public works. All of them are deputed from Islamabad.
95. 'Northern Areas Need Urgent Attention by Islamabad', *The Muslim*, 8 January 1993.

96. B. Raman, 'The Northern Areas: Behind Pakistan's Iron Curtain', *Strategic Analysis*, September 1996, p. 938. Also see Tariq Hussain, 'The Last Colony', *The Herald*, April 1990, pp. 112-17; excerpts from *Report for Human Rights Commission of Pakistan* by Kamran Arif, 'What is Wrong in the Northern Areas', *The Frontier Post*, 9 and 10 April 1994.
97. *The Nation*, 30 June 1996.
98. Adil Zareef, 'The Northern Areas: Roots of Sectarianism', *The Friday Times*, 15-21 October 1992; Arif in *The Frontier Post*, 10 April 1994.
99. Hussain in *The Herald*, April 1990.
100. Arif in *The Frontier Post*, 10 April 1994.
101. See her interview in *India Today*, 15 September 1991.
102. *The News*, 1 July 1996. Also see the editorials in *The Dawn*, *The Nation* and *The News* of 3 July 1996.
103. Rao in *The Hindustan Times*, 18 May 1996.
104. Bose, op. cit., p. 70.
105. *Ibid.*, p. 100.
106. Zareef in *The Friday Times*, 15-21 October 1992.
107. Militants' surrenders increased five-fold from 115 in 1994 to 664 in 1995. *The Indian Express*, 3 September 1996; Praveen Swami, 'A Surprise in Kashmir', *Frontline*, 14 June 1996, p. 119.
108. Dhar quotes some reports indicating that a sharp decline in the Kashmiri-speaking trainees in camps across the Line of Control had forced the ISI and its operatives in the Valley to mount an intensified drive to rope in 'at least 1,000 more Kashmiris to keep the movement going'. Dhar in *The Hindu*, 18 January 1996.
109. Kukka Parrey's interview in *India Today*, 15 December 1995, p. 59.
110. Some such counter-insurgent groups included: Shirir Khan (a Pahari) and Samad Khan, both former Hizbul Mujahideen fighters heading the Muslim Mujahideen in Sopore and Baramulla; Wali Mohammad in Pattan; ex-constable Shafique from Bandipora; Chaudhary Jalaluddin heading the Militants Khilafat Army controlling the Gujjar-dominated northern district of Kupwara; Nabha Azad controlled southern Kashmir and the Awami Tehrik, helping the government plan elections in the Valley. See Shiraz Sidhwa, 'Kashmir: Cut and Thrust', *Frontline*, 3 November 1995, p. 22; Padamanand Jha, 'Carving Up the Valley', *Outlook*, 18 October 1995, pp. 10-11; Harinder Baweja, 'Kashmir: Propping Up the Enemy's Enemy', *India Today*, 15 December 1995, pp. 58-61.
111. *The Hindu*, 30 May 1996.
112. *The Hindu*, 16 March 1996.
113. Farooq Abdullah's interview in *Asian Age*, 18 September 1996.
114. Omar Khalidi, 'Kashmir and Muslim Politics in India', in Thomas, op. cit., pp. 276-82.
115. Several Western and Arab countries were putting pressure on Pakistan to curb the activities of Afghan Arabs who enjoyed freedom of movement and operations throughout Pakistan and were exporting terrorism abroad. Mohammad Chawki al-Islambouli had set up an Islamic humanitarian organization in Pakistan which is attached to Sudan's International Organization of Muslim Brothers and is the main source of funding for its subsidiaries in Europe. It

- recruits volunteers, brings them to Pakistan and Afghanistan for training and coordinates activities with other training camps in Bosnia at Tuzla and Zenica. *The Hindustan Times*, 30 April 1996.
116. Only six countries—Saudi Arabia, Nigeria, Turkey, Albania, Gambia, and Bosnia and Herzegovina—among the OIC's 52 members were willing to back Pakistan's resolution. Some members of the Contact Group told Pakistan that a resolution was not needed since India had already initiated the process of elections in Kashmir, and India had more than adequate votes to support its stand. See Navnita Chadha, 'Pakistan's Stonewalling Tactics', *Pioneer*, 11 December 1994.
 117. An *India Today* report cited a study by army psychologists which probed the motivating factors of militants. Harinder Baweja, 'In the Mind of a Militant', *India Today*, 31 December 1994, pp. 120-2.
 118. The violent atmosphere had reflected adversely on the children who learnt in school, 'A for Army, B for Bomb and C for Curfew,' games of hide and seek were replaced by ambushes re-enacting the frequent encounters between the security forces and militants and they could distinguish between different types of gunfire. See Muzamil Jameel, 'A for Army, B for Bomb and C for Curfew', *The Times of India*, 17 April 1996.

CHAPTER 8

Separatist Agenda of Ladakh and Jammu

History repeated itself. Voices of separatism in Jammu and Ladakh followed secessionist sentiments in the Valley. The political dynamics of Jammu's and Ladakh's relationships with Jammu & Kashmir state were marked by differently structured identities, each with a different conception of community and different political objectives. We examine the Ladakhi Buddhist identity and the political demands of Leh and Kargil. In Jammu, various demands for a separate state of Jammu, internal political autonomy and a regional council are discussed. We also examine the political choices of Jammu's Muslims followed by analyses of the growing assertion of subregional identities by the Gujjars, Paharis and Dogras in Jammu, the Kashmiri Pandits in the Valley, and the Buddhists in Zaskar area of Ladakh.

LADAKH: DEMAND FOR UNION TERRITORY STATUS

The Ladakhi Buddhists launched a violent agitation in August 1989 to revive the demand for a union territory status for Ladakh. Their poor and inadequate political representation in the state assembly and total neglect and discrimination in socio-economic development of the Buddhist-majority Leh district was strongly resented, reinforcing their belief that the Valley had always treated Ladakh 'as a colony'.

The 'Kashmiri-run' administration was blamed for gross under-representation of Buddhists in the state services. The Jammu & Kashmir Secretariat had *only one* Buddhist employee. Out of two lakh government employees, only 2,900 were Ladakhis and there was no Buddhist among 18,000 employees of nine corporate sector units.¹

Rs 25 crore was spent under the World Bank-aided Social Forestry Schemes, but Leh district was ignored. It had no share in the funds disbursed by the Central Land Development Bank and the Khadi and Village Industries Corporation in the state. Between 1987 and 1989, the state government had received more than Rs 100 crore from the Prime Minister's Special Assistance Fund but Leh got only Rs 21 lakh. For tourism development schemes in 1990, the sum of Rs 59 lakh was earmarked for the Valley and Leh was given only Rs 7 lakh, while the neighbouring Kargil district was given Rs 17 lakh. Under the Jawahar Rozgar Yojna, the Valley was given Rs 7.2 crore, while Leh was given only Rs 20 lakh.²

The state government was accused of adopting unrealistic norms for allocation of plan funds to Ladakh, and for neglecting the power sector and unimaginative planning of power projects. Srinagar refused the central energy minister's proposal for the National Hydel Power Corporation (NHPC) for two hydel projects in Leh and Kargil in 1988. Micro hydel projects at Basgo, Sumur and Hunder were yet to be commissioned despite being launched a decade earlier. The state government had withheld sanction for the Domkhar Hydel projects that had been technically cleared by the Central Water Commission years back. Work on other projects like Kumdok, Tagtse and Bogdang micro hydel projects had not progressed beyond perfunctory surveys for ten years.³ The Stakna Hydel Project, which took over 25 years and nearly Rs 35 crore, was operational for hardly four months a year and produced 2 MW electricity, was another case in point.

Buddhists resented the neglect of the rich Bodhi language and the imposition of Urdu as the medium of instruction for Ladakhi children. Although 84 per cent of the population of Leh district is Buddhist, Bodhi teachers were provided in only 32 of the 252 government schools. Despite specific recommendations of the Gajendragadkar Commission, the state government had not set up a degree college for two lakh inhabitants of the region. Successive state governments were also accused of Islamizing Ladakh by encouraging Buddhists' conversion to Islam with the ulterior motive of disturbing Ladakh's demographic balance. More significantly, the systematic dismantling of important forums of Ladakh's development like the Ladakh Affairs Department, absence of Ladakhi representatives in Farooq Abdullah's coalition government and the Buddhists' one seat in Ladakh's share of four seats in the state assembly, had resulted in simmering discontent among the Ladakhi Buddhists.

Agitation

An agitation was triggered by a scuffle between a Buddhist youth, Rigzin Zora, and four Muslims in Leh market on 7 July 1989. The mishandling of the situation by the local police and the state government's refusal to appoint a commission of inquiry exacerbated the situation. Subsequent deployment of Jammu & Kashmir Armed Police (JKAP), which fired at the Buddhist processions (killing a few protestors), and its forcible entry into Buddhists' houses, desecration of objects of worship, indiscriminate beating of locals and looting of property led the Ladakh Buddhist Association (LBA) to embark upon a violent struggle demanding the separate constitutional status of a union territory for Ladakh.

The Buddhists accused the 'Kashmiri Sunni Muslims' of practicing 'majoritarian politics' driven by communal considerations and dominating Leh's administration and economy. The Kashmiri Muslims bagged the development contracts for constructing buildings, roads and bridges in connivance with the Kashmiri-dominated bureaucracy. Kashmiri hotel-owners and traders called the shots in Leh's market. They had reaped most of the benefits from the influx of foreign tourists into Ladakh since 1975 and they, according to the Buddhists, were instigating the local Muslims—*Argons*—to flex their muscles in a way that 'the 15 per cent minority [of Muslims] wanted to dictate terms to the [Buddhist] majority'.

Social Boycott

The Buddhists, as a consequence of the agitation, boycotted the Kashmiri Muslims. Valley traders soon vanished from the Leh market and their hotels and restaurants were shut down. The entire Kashmiri officialdom fled Leh, Khalsi, Nubra and Zaskar areas. Violence was more severe in the villages, where Muslim houses were burnt and crops were damaged. Some Muslims were forced to convert to Buddhism. In retaliation, Ladakhi students studying in Srinagar colleges and Buddhist pavement shopkeepers were intimidated enough to leave the Valley.

Subsequently, the social boycott was extended to the local Muslims. The Buddhists avoided the Muslim areas and did not enter hotels, restaurants or shops run by Muslims. The farmers were prohibited from exchanging tools. All Buddhist houses sported brightly-hued flags and vehicles driven or owned by Buddhists bore yellow stickers. No inter-religious marriages were allowed and

meetings among relatives of different faiths were stopped. Violators faced punitive action by the LBA. For example, its 'mobile magistrates' imposed on-the-spot fines on the Buddhists buying goods from Muslim shops. Social boycott ruptured the centuries-old bonds of amity between the Ladakhi Muslims and Buddhists. Interestingly, even its proponents could not justify it except as a 'tactical move'.⁴ At the peak of the boycott, LBA leader Rigzin Zora described it in the neutral terms of a 'non-cooperation' policy and later admitted that it was 'an exercise in arm-twisting . . . [and] was crude, uncivilised and unbecoming of us'.⁵ None the less, many stressed that though unfortunate, it was *necessary* to drive the point home that Muslims [local minority] should not bank upon the Kashmiri Sunni Muslim majority in the state to dictate terms to us [the local majority]. 'It taught them (the Muslims) a lesson as they had allowed themselves to be instigated by forces in the Valley', was the common refrain.

The Buddhists launched a civil disobedience movement against the Jammu & Kashmir government with an indefinite strike by Buddhist government employees from 2 September 1989. Government officials were not allowed to visit Buddhist villages and houses and contractors and labourers stalled work on the state government projects. The government machinery was paralyzed. Denouncing 'Kashmir's imperialism' and 'hegemonism', the LBA activists call was to 'free Ladakh from Kashmir'. The LBA president asserted, 'The Kashmiri rulers have been systematically eroding the Buddhists' ethnic and cultural identity for the last forty-two years and it can be saved only by making Ladakh a union territory.' The Kargil Muslims (comprising nearly half the region's population) resolutely opposed this.

The government agreed to negotiate with the LBA leaders in view of their threat to boycott the impending general elections. At the tripartite talks between the central government, the state government and LBA leaders on 29 October 1989, an agreement was reached whereby the LBA withdrew the demand for union territory status in favour of an Autonomous Hill Council, on the lines of the Darjeeling Gorkha Hill Council. The LBA leaders realized that union territory status would require amending Article 370, which would be virtually an impossible task because of the hostility of the Kargil Muslims and the Kashmiri leadership. The hill council was accepted as a compromise to provide a mechanism for self-governance by granting autonomy to Ladakh in administration, economy and planning.

JAMMU'S REGIONAL POLITICAL ASPIRATIONS

The neglect and apathy of successive state governments towards Jammu's political and economic development and the central government's Valley-centric thinking had led to reassertion of its political aspirations and demands ranging from a separate state of Jammu to regional autonomy and a regional council. Significantly, all formulations articulated Jammu's regional aspirations, while the religious (Hindu) identity remained dormant.

Demand for a Separate State

The Jammu Mukti Morcha (JMM), a new regional outfit demanded a separate state of Jammu by bifurcating Jammu & Kashmir state. Their demand was also rooted in political and economic regional imbalances favouring Kashmir Valley at Jammu's cost. The list of grievances was long.

Successive Valley-dominated state governments were blamed for Jammu's poor share in the state services. In the civil secretariat, Jammu's representation was less than 10 per cent. Only 2 out of 35 secretaries/commissioners were from Jammu region, and its employees from all cadres constituted no more than 8 per cent of the total strength. The proportions of employees from the Valley and Jammu in the state secretariat and regional services of Kashmir and Jammu were 99:8 and 99:1 respectively. All 12 corporations of the Jammu & Kashmir government had their headquarters in Srinagar with almost 100 per cent of the employees from the Valley. The headquarters of most central offices were also in Srinagar. According to a statement made in the state assembly in 1988-9, 43,000 out of 69,000 registered unemployed youth belonged to Jammu region alone. Jammu contributed more than 70 per cent of the revenue to the state's exchequer, but budgetary allocations for its development were less than 30 per cent. In the Prime Minister's Special Assistance programme of 1986, Jammu got only Rs 15.5 crore, about 8 per cent of the total assistance of Rs 179.73 crore as compared to the 40 per cent share of Rs 79.06 crore for the Valley. Of the remaining Rs 92.76 crore earmarked for the common development of three regions, more than Rs 80 crore was allocated to the Valley. Of the state's tourism budget, nearly 90 per cent was spent on the Valley every year.

Among the state power projects producing a total of 350 MW of power, Chenani was the only power project (with 22 MW) installed

in Jammu region. Other power projects, namely Upper Jhelum, Lower Jhelum, Upper Sind, Mohra and Gandarbal were in the Valley with a production capacity of 328 MW. Only Rs 10 crore had been spent on the Chenani project as compared to Rs 500 crore on the projects in Kashmir Valley. All the professional and technical institutions including the post-graduate Sher-e-Kashmir Institute of Medical Sciences, the dental college, veterinary college, agricultural university, artificial limb centre and the regional engineering college were located in the Valley. Exclusion of the Dogri language (spoken by 50 lakh people) from the Eighth Schedule of the Indian Constitution was particularly resented because Kashmiri (spoken by less than 30 lakh people) enjoyed constitutional recognition. The recommendation of the Wazir Commission (1983) for creating three more districts of Reasi, Kishtwar and Bhau (Samba) in Jammu region was not accepted, while three new districts—Badgam, Kupwara and Baramulla—were created in the Valley. More important, Kashmir's domination of the political system was rooted in Jammu's under-representation in the state assembly and the Lok Sabha. The last Delimitation Commission had carved out 87 constituencies for election to the Legislative Assembly in 1996. Table 8.1 reflects the average population and area per constituency.

There is clear dominance of the Kashmir region over Jammu in the Legislative Assembly on the basis of population and area. Kashmir has 4.73 lakh more people than Jammu. On the basis of the average of 89,000 population per constituency in the state, it could claim five more seats than Jammu, against which it has been allocated nine seats, which is 80 per cent in excess of that due.⁶

The JMM activists argued that in view of the successive state governments' total neglect and discrimination against Jammu's

TABLE 8.1 : AVERAGE POPULATION AND AREAS PER CONSTITUENCY IN JAMMU & KASHMIR STATE

Region	Estimated population	Area in sq. km	No. of constituencies	Average population	Average area sq. km
Kashmir	40,10,202	15,948	46	89,352	346
Ladakh	1,70,541	59,146	4	42,635	1,486
Jammu	35,37,957	26,293	37	95,620	719
Total	77,18,700	1,01,387	87	88,709	1,165

Source : Government of Jammu & Kashmir (1993-4), Digest of Statistics.

political and economic development and the centre's Valley-centric thinking, a separate state of Jammu was the 'only way out' for meeting its political aspirations.⁷ Jammu, according to this viewpoint, forms a natural region defined by the boundaries of the Ravi on the south and Pir Panjal on the north and has a distinct cultural and historical identity. Interestingly, in the current context, the Jammu Mukti Morcha dubs the 1846 Treaty, which gave birth to the Dogra state of Jammu & Kashmir and was denounced by Kashmiris in the 1940s, as 'a sale deed with no legitimacy and validity' and as 'unnatural wedlock'.

The JMM's vision of a separate Jammu state involves setting up district development councils, devolution of economic and administrative powers to village *panchayats*, separate departments or boards for backward communities and Scheduled Castes and Tribes along with minority safeguards. It also promises equal participation of all areas in all spheres of socio-economic development.⁸ In the meantime, the JMM demanded: bifurcation of the civil secretariat offices, directorates and corporations into independent units for each region; installation of a Doordarshan (TV) centre at Jammu and radio stations at Bhaderwah and Poonch to develop the local culture; capital city status for Jammu; creation of new districts of Reasi, Kishtwar and Samba; establishment of engineering, agricultural, veterinary, dental and forestry colleges in Jammu region; filling up the existing vacancies in Jammu's central and state offices and a special package providing job opportunities for the unemployed youth; and inclusion of Dogri in the Eighth Schedule of the Indian Constitution.

The JMM's modus operandi remained confined to processions, strikes and memorandums to the state and central governments. With a growing feeling that the centre attended to grievances only when movements acquired militant overtones, some JMM activists were inclined to using threats of violence as a bargaining chip to draw the government's attention.⁹ While the JMM's demands reflected yet another manifestation of Jammu's political aspirations, it is important to note that this organization is of recent origin and was founded by a group of intellectuals with little popular support. In fact, many intellectuals, journalists and politicians of Jammu dubbed it as a product of the central home ministry, which propped it up as a counterweight to the Kashmiri demand for independence.¹⁰

Internal Autonomy and a Regional Council

The Jammu Autonomy Forum revived the 45-year-old demand for internal political autonomy for Jammu and Ladakh regions and sought a federal constitution replacing the unitary set-up. It demanded institutional and constitutional measures to alter the political equations between Jammu and the Valley, rather than a 'grievances-oriented' approach which pushed the real objective of Jammu's political empowerment into the background. Balraj Puri argued that the political power to start colleges in Jammu (Ayurvedic, engineering or medical) was more important than getting the government's sanction to open a particular college.¹¹ The Forum called for changes in the constitution of the state to provide devolution of powers at district, block and *panchayat* levels, and safeguards for the ethnic communities in each region. However, beyond the intellectual community, this idea still lacked mass support in Jammu region.

The Bharatiya Janata Party's (BJP) state unit demanded statutory regional councils and statutory boards for development to meet the political aspirations of the people of Jammu.

Jammu Muslims

The Jammu Muslims were particularly opposed to separation from the Valley and did not favour the idea of regional autonomy for Jammu.¹² It is interesting to examine the political choices of this community, which has *not* mobilized itself politically and tends to be ignored in any discussion on Jammu's politics. The Jammu Muslims are in a minority in the Jammu region, but form a majority in Poonch, Rajouri and Doda districts. They acquired prominence in state politics only in the 1970s because of Sheikh Abdullah's 'Greater Kashmir' plans, and more recently, due to growing militant violence in Doda followed by that in Poonch and Rajouri districts. The Jammu Muslims do not support the BJP's Hindu politics and a separate state of Jammu, nor are they willing to be assimilated completely into the Kashmiri Muslim identity. At the same time, they do not form a separate and cohesive political grouping, partly because they remain divided along ethnic (Dogra Muslims, Kashmiri Muslims, Gujjars and Bakkarwals), linguistic (Paharis, Gujjars, Kashmiri and Dogri) and caste lines, and partly because since the pre-Partition leadership of Chowdhary Ghulam Abbas and Allah Rakha Sagar, no political

leader had emerged to mobilize them as an independent political force in state politics.

LADAKH: AGITATION FOR AUTONOMOUS HILL COUNCIL

The Buddhist agitation begun in 1989 got prolonged. After the Congress' ouster at the centre, the tripartite agreement on the Autonomous Hill Council (AHC) remained on paper. V.P. Singh's and Chandra Shekhar's governments took no interest in Ladakhi issues, and the proposal was revived only after the Congress returned to power in 1991. The central government impressed upon the LBA leadership to secularize its political demands, and Union Home Minister S.B. Chavan, insisted upon lifting of the social boycott of Muslims. Consequently, talks between the LBA and the Ladakh Muslim Association (LMA) ended the boycott. The Buddhists relented because they needed the LMA's support, and the latter acquiesced because its demand that 'concessions to Ladakhis should not be given in the name of a communal body' was conceded.¹³ The two organizations joined hands to demand 'Hill Council', and the Ladakhis gained support of all the people of Leh. The Kashmiri leadership strongly opposed the Hill Council and succeeded in deferring its implementation. The centre backtracked to avoid 'rubbing the Kashmiri leadership on the wrong side' and jeopardize efforts to restore normalcy in the Valley. Precisely this kind of Valley-centric thinking had alienated the people of Ladakh and Jammu, who believed that the centre belittled and disregarded their political aspirations because they had not challenged India's political and security interests nor 'resorted to the gun' against the state. The LBA leaders were at pains to explain that 'our religious beliefs of *ahimsa* and peaceful co-existence do not approve of violence . . . but we are being forced to lose our identity and fight for our dues'.¹⁴ They reasoned:

While the government has conducted negotiations with the militant movement of Bodos and ULFA of Assam, Ladakhis have been neglected just because they have chosen to follow the ideals of *ahimsa* in redressing their demand. We fear we too will have to deviate from our cherished ideals of non-violence to drive home the point to the government that our demand is just, democratic and constitutional.¹⁵

With this opinion gaining ground, the LBA leaders and heads of Buddhist monasteries threatened to revive the agitation and a

possible recourse to violence. The LBA president, Thupstang Chhewang, warned that 'the simmering passions of Ladakhis especially the younger generation might lead to establishment of their links with anti-social elements if the sentiments of Ladakhis are not respected'.¹⁶

In October 1993, the tripartite talks reached agreement on setting up the Ladakh Autonomous Hill Council, Leh. The government assured enactment of the requisite legislation in three months, but nothing happened. Frequent deferments of establishing the Hill Council had agitated the youth who revived the agitation in April 1995. They threatened to start a violent struggle if the Union government failed to introduce a comprehensive bill on the autonomous status of the Hill Council or did not honestly implement the agreed decision in the stipulated time.¹⁷

Autonomous Hill Council Act

P.V. Narasimha Rao's government finally relented, and the Ladakh Autonomous Hill Council Act was enacted on 9 May 1995. The Act provided for an Autonomous Hill Council each for Leh and Kargil, and an inter-district advisory council with tenure of five years. Each council would have 26 territorial constituencies. The sitting MLAs and MPs would be ex-officio members, but without voting rights. The Leh Council had 26 elected members, 4 nominated by the state government. The nominees were to include one Muslim, one woman and two eminent persons. The council would have a cabinet of five members, with one Muslim. The executive powers of the council included allotment, use and occupation of land vested in the council by the government, formulation of annual plan and development programme, budget (plan and non-plan), special measures, for employment generation and poverty alleviation, promotion of cooperative institutions and local culture and languages. The council was empowered to levy local taxes and collect state taxes on behalf of the government. The inter-district council was to advise the district council on matters of common interest to both districts, resolving their differences and preservation of communal harmony in Ladakh.

What was the secret of Leh's success? The most critical factor was unprecedented unity among the people of Leh where all political groups irrespective of religion, ideology and political affiliation had rallied around to demand an Autonomous Hill Council. The Kargil Muslims did not accept an Autonomous Hill Council for Kargil but

did not oppose it for Leh. So, an otherwise 'negative' factor of Kargil was neutralized. Moreover, the centre did not want to risk a violent agitation in the strategically located parts of Ladakh bordering China and Pakistan, specially when it was busy combating the militancy in the Valley. Therefore, when it came to the crunch, the central government did accept and implement the agreement on an Autonomous Hill Council for Leh.

Voices From Kargil

While Leh's Buddhist minority (in the state) felt insecure in the Muslim-majority Valley dominating Ladakh, the Shia Muslims of Kargil believed that Buddhist-majority Leh overshadowed Kargil's identity. The people of Kargil strongly resented the Leh-centric conception of Ladakh region which, until the 1980s, had all the district headquarters and central government offices. Keeping in mind the religious affinity, close economic links and political alignments with the Valley, Kargilis traditionally have identified with the Kashmiri leadership although they did not support the secessionist movement in the Valley. The centre is blamed for Kargil's backwardness, lack of an airport and discriminatory policies in recruitment to the Ladakh Scouts.¹⁸ Compared to Leh, the political equations are clearly reversed in Kargil.

That is precisely why the Kargil Muslims did not accept an Autonomous Hill Council although its leaders across the political spectrum support the idea in principle. Stressing that 'they have not rejected the Autonomous Hill Council but only postponed the decision' until the turmoil in the Valley was resolved, Kargilis did not wish to antagonize the Kashmiri leadership considering the latter's denouncement of an Autonomous Hill Council as 'amounting to Kashmir's territorial disintegration'. Many shared the view, 'Kashmiris have always stood by us. . . . We owe it to them.'¹⁹ Once they get the nod from the Kashmiri leadership, the prospects of Kargil's acceptance of an Autonomous Hill Council are good.

EMERGENCE OF SUBREGIONAL IDENTITIES

Over the years, the logic of majority-minority politics has percolated to the subregional level. Each region in the state has a plural socio-cultural make-up and its heterogeneity has allowed several alternatives to the populace for building a political majority along

linguistic, regional, religious, cultural and caste lines. The Jammu region witnessed growing assertion of the Gujjar and Pahari identities. Politicization of the Kashmiri Pandits in the Valley needs to be looked into. In Ladakh, Zanskar's Buddhist minority (part of Kargil district) started asserting its identity independent of Kargil's Muslim-majority populace.

Politicization of Kashmiri Pandits

The Islamization drive and targeted killings of the Kashmiri Pandits in the early 1990s aroused the political consciousness of this community. Right from the heyday of the JKLF, an Islamic code of conduct was imposed on the Valley. Cinemas, beauty salons and shops selling liquor and video cassettes were closed and Hindi movies were banned. Muslim women were asked to wear burkas and Hindu women were ordered to stop wearing a bindi.²⁰ A terror campaign launched through letters, posters, pamphlets and newspapers issuing death threats and warnings to the Pandits to leave the Valley in a short and specified time had created an atmosphere of fear and insecurity. The Jamaat-i-Islami, in particular, targeted the Pandits and declared war on 'Kafirs—the Batta, the first symbol of India in Kashmir'. Militant proclamations to establish an Islamic state in Kashmir: 'Yahan kya chalega?—Nizam-i-Mustafa' (What kind of law will prevail here?—The Islamic law); specific warnings to Pandits, 'Zalimo, kafiro, Kashmir hamara chhor do' (Ye cruel infidels, vacate our Kashmir) and 'Allah-o-Akbar, Mussalmano jago, kafiro bhago, jihad aa raha hai' (Arise and awake Muslims, buff off infidels, jihad is approaching); and the mosques' ultimatum, 'Agar Kashmir mein rehna hoga, Allah Allah kahna hoga' (If you wish to continue living in Kashmir, you will have to pray to none other than Allah), culminated in the Pandit exodus between January and April 1990.²¹ Subsequently, the Hizbul Mujahideen and the Harkat-ul-Ansar foreclosed possibilities of their return. Barring a short and abortive attempt of leading the Roti agitation in the 1930s, the Pandits had traditionally underlined their linguistic and ethnic identity of being Kashmiris. But the exodus from the Valley, followed by a long spell of misery and suffering at migrant camps in Jammu, Delhi and elsewhere, forced the Kashmiri Pandits to think of their political interests as separate and different from those of the Kashmiri Muslims.

Reconstructing the Past

The Kashmiri Pandits provide another interesting example of a community's attempts to reconstruct history in view of its present political interests. Describing themselves as the original inhabitants of the Valley with a distinct subculture of the purest class of the Aryans, the Pandits recount centuries of religious, linguistic and political persecution by Muslim rulers. Keeping in mind the centrality of the 'current exodus' in the politicization of the Pandits, a careful choice of historical episodes is made to single out the instances of Pandits being forced into exile by tyrannical Muslim rulers over the last 650 years.²² Stories of Sultan Sikander's brutalities when only 11 Pandit families had survived in the Valley are narrated. Panun Kashmir's political pamphlet *Why Homeland?* makes the point.

Ever since the advent of Islam in Kashmir in AD 1339 the Hindus, who are the original inhabitants of the Valley have from time to time faced tyrannies of the Muslim rulers in various forms who imposed heavy taxes, perpetrated the most barbaric methods of torture, brutalised and killed them in thousands, forced their females into marriage and males into conversion, desecrated and demolished their temples and built mosques over them and forced the remaining Hindus into exile. These people faced the trauma of exodus from the Valley repeatedly, living in [the] wilderness of remote areas and jungles till such times as the hurricanes of religious bigotry and persecution calmed down a little and some of the exiles returned to their homes. *In the wake of each exodus, the community suffered untold hardships, mutilation, death and destruction and its numbers in the Valley of Kashmir dwindled at a staggering rate, reducing the community to a minority on its own land.*²³ (emphasis added)

The categories of 'majority and minority' are imposed on the ancient past when the communities were not even enumerated. The construction of the past deploying the mode of 'repetition' is a major cognitive tool by which a single and rigid character is sought to be bestowed upon the Pandit community. Some mechanical analogies are then drawn which relate new events to a limited stock of past events and from this emerges the *idée fixe* that 'every event repeats the past and can only be understood within the framework of repetition'.²⁴ The migration of the Kashmiri Pandits to other parts of India or abroad for better employment is attributed to the communal bias in the government's recruitment policy and termed an 'invisible exodus'.²⁵ The ground is, thus, prepared to present the 'current

exodus' as a continuing link in the long chain of historical episodes. Census figures are quoted to argue that the community is facing virtual extinction. In 1947, it constituted 15 per cent of the Valley's population which was reduced to 5 per cent by 1981, and after the exodus is estimated at 0.1 per cent.²⁶

Isolated events of communal clashes, such as the riots of Anantnag in 1986 for example, were highlighted as instances of the minority community's persecution by the Muslim majority. The BJP's claim that 55 temples were burnt or desecrated by the militants was another attempt to reinforce the idea of continuing Muslim tyranny in the Hindu mind. These were belied by an *India Today* investigative report.²⁷ None the less, the projection of Kashmiri Pandits as 'Indian agents', 'informants', and 'the fifth column' (a label given by Sheikh Abdullah) were cited as evidence of communal bias of the Kashmiri Muslim leadership.

The Kashmiri freedom struggle against the Dogra regime in which Pandits fought with Muslims was forgotten and the post-Independence history was presented as a story of subjugation, denial, deprivation and unequal opportunities by a state dominated by Kashmiri Muslims. Land reforms had sought to deprive the rural Pandits of landholdings. Others faced discrimination in employment, promotions to higher cadres, admissions to professional institutions, universities and allotment of financial resources for developmental plans and business ventures. Constitutional guarantees and service rules were allegedly subverted to benefit the Kashmiri Muslims and quantity and mediocrity were given precedence over quality and academic merit. In an attempt to institutionalize the Pandits' marginalization, 'the Muslims of the Valley including the most affluent ones were declared as backward and the entire Pandit community as the creamy layer'.²⁸

Kashmiri Pandits' disproportionately high share in the administrative services is bitterly contested. According to a Kashmiri Smiti publication, the Pandits constituted less than 5 per cent of the state services, with less than 1 per cent share in the higher cadres of administration while Muslims monopolized 94 per cent of the state services in the Valley.²⁹ The catch is that both sides quote figures selectively to suit their respective arguments. Kashmiri Muslims point to their negligible share in the central services while the Pandits harp on their poor representation in the state services.³⁰

Successive state governments were also accused of gerrymandering the election constituencies to deny the Pandits due representation in

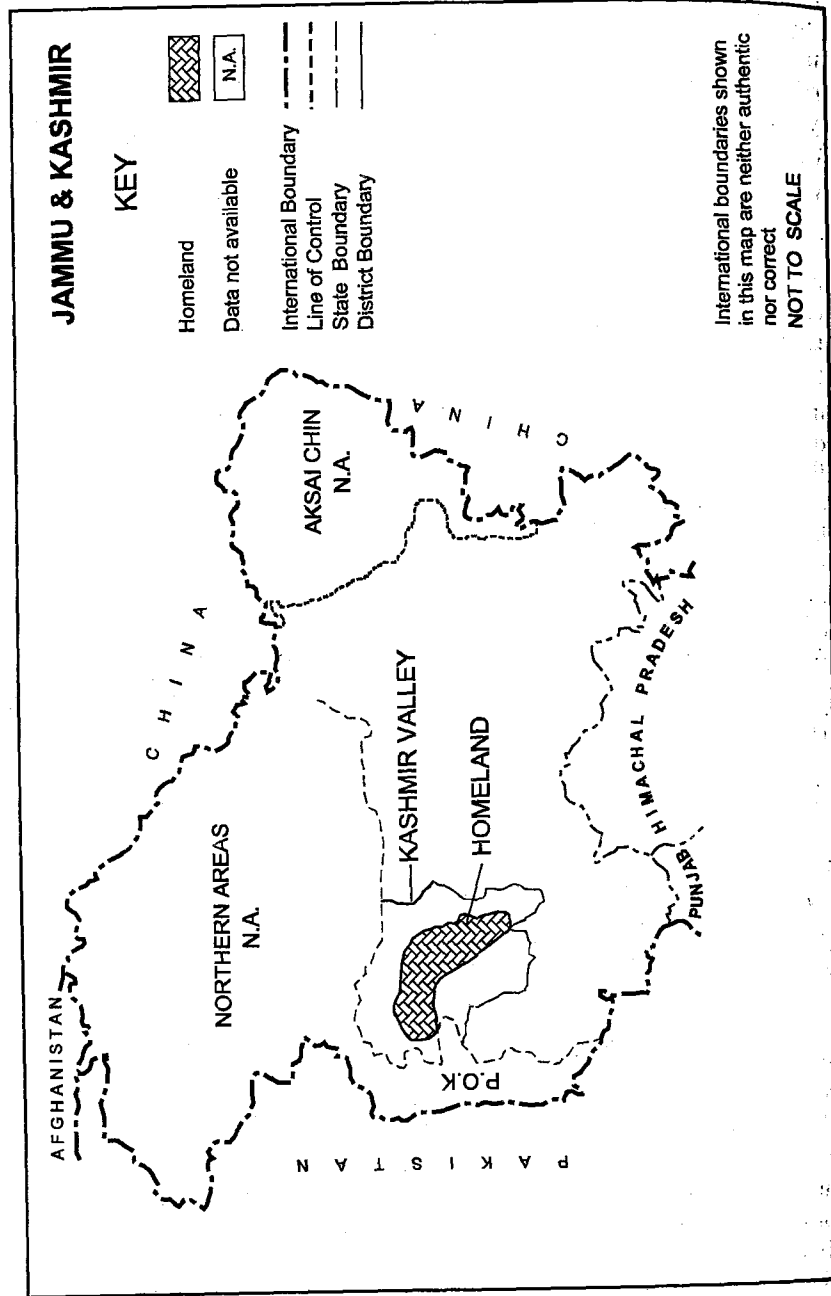
the state assembly. For instance, the Pandit-majority localities of Rainawari, Habbakadal, and Karan Nagar in Srinagar city were fragmented, reducing them to insignificant parts of the contiguous Muslim-dominated constituencies. While three Kashmiri Hindus were returned to the assembly in 1957, 1962 and 1967, the number was subsequently restricted to only one member in 1972, 1977, 1983, 1987 and 1996.³¹

Interestingly, the Kashmiri Pandits' reconstruction of history did not attempt to forge solidarity with the people of Jammu and Ladakh who had condemned the 'Muslim majoritarian politics' of successive Kashmiri regimes. Perhaps because of this the people in Jammu and Ladakh did not rally around the Pandits in their time of crisis. In fact, many people in Jammu nursed apprehensions about the changing demographic profile of the city due to the growing numbers of Pandits and the Kashmiri Muslims settling there. There was a broad consensus among the Pandit community that they had left the Valley hoping to be 'back soon'. It was only when the Hizbul Mujahideen and Al-Jehad closed the doors by killing those who returned that the implications of 'banishment' from the Valley dawned. Abandoned by both the state and the central governments, many Kashmiri Pandits decided to get organized.

Demanding Secure Zones/Homeland

At a two-day international conference held in Jammu on 14-15 July 1990, the Kashmiri Pandits first demanded a secure zone with a concentrated Hindu population in the Valley. The demand for creation of safe areas 'on the same pattern as has been done by the United States of America for the Kurds in Iraq' was reiterated at a meeting held by the representatives of the Kashmir Overseas Association, the Indo-American Kashmir Forum and Panun Kashmir on 14 November 1991.

Panun Kashmir (Our Own Kashmir) is an organization of Kashmiri Pandit youth in revolt against the traditionally mellow Pandit leadership as well as the weak central leadership in New Delhi. It demanded a separate homeland for Kashmiri Pandits consisting of 8,400 sq. km comprising portions of Anantnag, Baramulla, Srinagar, and Pulwama districts (as shown in Map 5). It constitutes 4 per cent of the total area of Jammu & Kashmir state as it existed in August 1947. Jhelum's geographical divide demarcates the 'Homeland' from the rest of the Valley.



Surrounded by the hostile Islamic fundamentalist environments of Pakistan and Afghanistan, the Homeland is projected as the only viable way to secure a cultural outpost for the Pandit community that is in the 'throes of extinction' and protect historic holy shrines and cultural centres of Hindus in Anantnag, Verinag, Bawan, Mattan, and Amarnath. It will enable the Indian security forces to maintain control of strategic locations if Kashmir Valley is demilitarized under an international plan. Panun Kashmir also seeks union territory status for the Homeland with full application of the Indian Constitution. At the World Kashmiri Pandit Conference in December 1993, 2,000 delegates from 14 countries affirmed the demand for a Homeland, originally made in a historic resolution adopted by 1,000 delegates at a convention called Margdarshan-91. 'Homeland Day' is celebrated on 28 December. The Homeland Resolution demands:

The establishment of [a] homeland for Kashmiri Hindus in Kashmir Valley, comprising the regions of the valley to the East and North of river Jhelum (Vitasta); the Constitution of India be made applicable in letter and spirit in this homeland in order to ensure the right to life, liberty, freedom of expression, faith, equality and rule of law; their homeland be placed under Central Administration with a union territory status so that it evolves its own economic and political infrastructure; all the seven lakh Kashmiri Hindus, which includes those who have been driven out of Kashmir in the past and yearn to return to their homeland and those who were forced to leave on account of the terrorist violence in Kashmir, be settled in the homeland on equitable basis with dignity and honour.

The state administration is blamed for abdicating its moral, legal and political responsibilities to the 'truly nationalist and secular' Pandit community. The latter complain that the central government is willing to talk to terrorists waging jihad for Kashmir's annexation to Pakistan, but has failed to mitigate the plight of Kashmiri Pandits suffering in migrant camps.³² Panun Kashmir vehemently rejects the communal characterization of their demand as a 'Hindu Homeland' and prefers to describe it as a 'Homeland for internally displaced Kashmiris who have faced oppression for centuries. *These people mostly happen to be Hindus.*' They insist, 'We are not seeking a division of Kashmir into *Muslim Kashmir and Hindu Kashmir* because an *Islamic Kashmir is already a fait accompli*—what we are asking is our rightful share from it to convert it into a *secular and democratic Homeland* with full accession to India and without fetters of Article 370'³³ (emphasis added).

Panun Kashmir articulated its demands through strikes, processions and petitions to governments. It eschews violence and believes in taking to the pen to fight the sword. However some firebrand youth have advocated resorting to the gun and training 10,000 Pandits to fight for the community's survival. The idea was endorsed by Shiv Sena Chief Bal Thackeray at a meeting with the Kashmiri Pandits; he said that the 'time had come when Kashmiri Pandits should throw away the pen and pick up the gun to fight for their just rights'.³⁴ The Pandits have sought to mobilize international support by projecting their plight as a 'holocaust' or 'genocide of an ethnic minority' and the movement as a 'fight against human rights violations' because 'it is their identity, ethos and heritage extending over the millennia that is now being obliterated by the terrorists armed and trained by Pakistan'.³⁵ Terrorism, they point out, is an international crime and the Kashmiri Muslims' violent campaign dominated by a religious crusade, Jihad, not only violates the Universal Declaration of Human Rights (1948)³⁶ but is also against the Universal Islamic Declaration of Human Rights (1981), announced at the international conference on Prophet Muhammad's teachings in 1980 and His message.³⁷

Panun Kashmir's demand for a Homeland, however, does not enjoy the entire community's support. Kashmiri Pandits are spread throughout the Valley except in the frontier areas like Uri, Guraes and Tithwal. The concept of a Homeland involves abandonment of the rights and possession of self-cultivated land, homes and shops in such areas that do not fall within the Homeland. The rural Pandits, in particular, may not be willing to abandon their ancestral lands while others apprehend that this demand may in the long run only buttress the stand of the Muslim fundamentalist fringe in the Valley seeking separation from India and merger with Pakistan.³⁸ Besides, there are too many Pandit organizations, including Kashmiri Smiti (New Delhi), Kashmir Pandit Sabha (Jammu), Panun Kashmir, All India Kashmiri Pandits Conference, All India Kashmir Samaj, and several overseas fronts such as the Indo-American Kashmir Forum, Indo-Canadian Kashmir Forum, Indo-European Kashmir Forum and Kashmiri Overseas Association, each with its own limited agenda. In fact, serious fissures developed in the community on the genesis and nature of the crisis and the ways and means to cope with it. Some preferred to 'buy peace' by toeing the militants' line,³⁹ while others advocated retaliatory violence to fight for their survival. Admittedly these were fringe elements, but differences persisted over the best

modus operandi to secure their rights. It was mainly due to lack of consensus in their ranks that the Pandits failed to make headway in achieving their political goals.

Jammu: Gujjars, Paharis, Dogras

Gujjars are the third-largest community in Jammu & Kashmir; they are partially nomadic and mostly Muslims. They are divided into three groups: nomads (20 per cent); settled (30 per cent); and semi-nomads (50 per cent) who live on the fringes of the plains in the winter and climb up to the high pastures in the summer. They are called Basneeks. The nomads are divided into Baniharas (living in forests and selling milk products) and Bakkarwals (who keep large herds of *bakri*—goats). The Bakkarwal Gujjars are further subdivided into the Kahnaris and Ilais. The language of Gujjars, popularly called Gojri, was termed Parimu or Hindki by Walter Lawrence. It was categorized as Rajasthani in the census conducted before Partition.⁴⁰ The linguist George Grieson argued that Gojri was the second major language after Kashmiri in the state. However, Gojri is not recognized in the state constitution.

Gujjars are present in the entire state except Leh and Kargil. In the Kashmir division, the concentration of Gujjars is on the mountain slopes and side valleys in the areas of Kukernag, Kangan, Tral, Doru, Pahalgam, Shopian, Kulgam, Handwara, Karnah, Kupwara and Uri *tehsils*. In Jammu region, the Gujjars dominate in the border districts of Rajouri and Poonch, particularly the *tehsils* of Haveli, Mendhar, Naushera and Sunderbani. There are Gujjar pockets found in Bhaderwah, Doda, Gool, Kishtwar, Kathua and Udhampur areas. According to a special census conducted in 1987, Gujjars constitute 9 per cent of the state's population. Table 8.2 shows their district-wise distribution.

The Gujjar population has declined consistently; from 37 per cent in 1931 to 25 per cent in 1941, and further to 10 per cent of the state's population in 1971.⁴¹ Several explanations are offered. From 1931 to 1941, the decrease is attributed to the fact that in many cases they did not describe themselves correctly. The state policy of *begar* and repression forced others to hide their caste. During the 1941 Census, a large chunk of the Muslim Gujjar population from Jammu & Kashmir divisions had migrated to the *tehsils* of Mirpur, Kotli, Sudhnuti, Bagh and Muzaffarabad which came under Pakistan's control. From 1961 to 1981, the censuses were conducted on a

TABLE 8.2 : POPULATION OF GUJJARS AND BAKKARWALS
IN JAMMU & KASHMIR (1987)

Region	Name of district	Gujjars	Bakkarwals
Jammu	Jammu	30,910	150
	Kathua	10,070	740
	Udhampur	60,230	4,900
	Doda	53,850	11,510
	Poonch	1,01,770	2,970
Kashmir	Rajouri	96,930	8,020
	Srinagar	30,440	290
	Budgam	9,870	40
	Anantnag	46,290	3,350
	Pulwama	17,800	310
Ladakh	Baramulla	42,770	2,290
	Kupwara	46,220	330
	Leh	20	—
	Kargil	—	—
Total		5,47,170	34,900

linguistic basis and owing to the electoral arithmetic in the state, Gujjars were split into various linguistic groups—Hindi, Rajasthani, Punjabi, Gojri, Bakkarwali, Pahari, Parimu and Urdu. Also, the bilingual Gujjars living in areas dominated by Kashmiri and Dogri speakers were assimilated into these linguistic groups.⁴² Most Gujjar leaders, therefore, simply reject the census figures. They estimated the current strength of Gujjars to be 10-15 lakh based on its share of 4.31 lakh in 1931 or from their own census conducted informally at district, village and *panchayat* levels in 1998.⁴³

The Gujjars first gained political prominence when Sheikh Abdullah was trying to rope in the Muslim-majority districts of Rajouri and Poonch and the Kashmiri-speaking Muslims of Doda into a 'Greater Kashmir' in the late-1970s. Mrs Indira Gandhi devised a new electoral arithmetic which calculated that the Dogras and Gujjars together were numerically more than the Kashmiris. So she cultivated the Gujjars as a counterweight to the Kashmiri Muslims. A conscious decision seems to have been taken to arouse the ethnic Gujjar as opposed to a religious Muslim consciousness of this community.

Initially, the Gujjar identity was promoted through culture, music, literature and art through radio programmes and the state's cultural academy. Gojri broadcasts over the radio stations at Jammu (1975), and more recently Kathua (1993) and Poonch (1994) alongwith fortnightly programmes on Doordarshan boosted the morale of

Gojri speakers and writers. Some private institutions and organizations including Anjuman Taraqqi Gojri Adab with district level branches, Adabi Sangat Kashmir, Idara Adbiyat, Gojri Adabi Board, besides dramatic and cultural clubs were involved in promoting Gojri language and literature. Gojri journals and magazines such as *Al Insan*, *Nawai Qoum*, *Gujjar Desh* and *Gujjar Gunj*, published from Jammu, focused on political and economic issues affecting the community.⁴⁴ The recent publication of the monthly magazine *Awaz-e-Gurjar* and establishment of a Gojri library at the Gojri Research Institute started by the Gurjar Desh Charitable Trust is another important step in this direction. The Gojri section of the Jammu & Kashmir Academy of Art, Culture and Languages started in 1987 also played an important role by preserving Gojri folklore, giving recognition and support to Gojri writers, publication of a comprehensive Gojri dictionary and *Sheeraza*, a quarterly, with poems, songs, short stories and research papers on the Gujjars.⁴⁵

In 1975, a Gujjar and Bakkarwal Welfare Board was constituted and funds for welfare schemes were earmarked in five-year plans. Promotion of education by opening mobile schools, scholarship schemes and building hostels in Rajouri and Poonch gave birth to new literate strata in Gujjar society.⁴⁶ The Gujjar elite gradually changed in profile from authoritarian and feudal tribal chiefs and charismatic religious leaders (*pirs*) to include the new educated elite of the professional classes such as civil servants, journalists, lawyers and social workers. Gujjar leaders, however, argue that many of these schemes are not successful. The literacy rate among Gujjars is still 2 per cent. Although 290 mobile schools are functioning and the government claims their enrolment to be 800, the efficacy of this programme is open to question. Single-teacher schools for imparting education up to the primary standard are non-functional. Mrs Gandhi's government's decision to grant Scheduled Tribe status to Ladakh prompted the Gujjars to demand the same. But the successive central and state governments did nothing despite repeated promises until Chandra Shekhar's government conceded the demand in 1991. This entitled Gujjar representation in proportion to their population in the legislature, local self-governing institutions, government services and professional and technical institutions.

Scheduled Tribe status to the Gujjar community provided an impetus for politicization of the Pahari-speaking people who felt that reservation of electoral constituencies for Gujjars would

disenfranchise them because they would not be able to elect their own representatives to the Legislative Assembly. The Paharis inhabit the same areas along the Line of Control from Sunderbani up to Uri, Keran, Karnah on a 500-km-long border of Rajouri and Poonch districts in Jammu, and Baramulla and Kupwara in the Valley. They share the same occupations, customs, traditions, dress and eating habits. Significantly, while the Paharis underline the similarities with the Gujjars in terms of their social and economic backwardness, they take pains to point out that the Pahari-speaking people form a distinct linguistic, ethnic and cultural entity. The articulation of the Pahari identity provides an important example of the 'dormancy of religious identity' and 'dominance of linguistic identity' as the Pahari Board constituted to articulate their demand for Scheduled Tribe status includes Rajput Muslims, Kashmiri Muslims, Sikhs and Hindus of different castes.⁴⁷

Pahari consciousness started gaining ground in the 1970s to counter the impression that there were only three large communities in the state: Kashmiris, Dogras and Gujjars. The central government was cultivating the Gujjars, and the Paharis felt neglected. Since their immediate political competition was with the Gujjars, the leadership sought to weave a Pahari identity centred on its language that distinguished them from the Gujjars. The Pahari language's inclusion in the Sixth Schedule of the state Constitution helped. Conscious efforts were made to cultivate a Pahari identity by undertaking research into the Pahari language, collecting literature and holding *mushairas* (conventions of poets), dramas and meetings. The Pahari language is described as an offshoot of the Indo-Aryan family of languages that developed during the Ashoka period about 2,500 years ago.⁴⁸ The Pahari script is known as Shahmukhi, which is called Naskh in Urdu. Hindko, Kaghani, Karnahi, Pothohari, Hazarvi, Mirpuri, Chhibalvi and Poonchi are various dialects of Pahari.

The numerical strength of the Paharis according to the 1931 Census was 7,75,000 and in 1941 they were 8,90,000. Sheikh Abdullah had played mischief while drawing the Ceasefire Line by keeping out all the Pahari-speaking areas.⁴⁹ In 1961, the Paharis were 2.32 lakh as compared to 2.5 lakh Gujjars. According to the 1987 Census, the Paharis were 5.6 lakh (1.6 lakh Hindus and 4 lakh Muslims). However, the Pahari leaders estimate their strength to be 10-12 lakh (3-3.5 lakh Hindus including Sikhs and 5-6 lakh Muslims).⁵⁰ It is claimed that the Paharis include all people of Rajouri and Poonch excluding 22 per cent Gujjars and 6 per cent Harijans besides the

people of Keran, Karnah and Uri, and that they are the second largest community after Kashmiris in the state.⁵¹

It is interesting to observe the game of numbers. On one hand, the Gujjar and Pahari leaderships officially accept the 1987 Census figures because Scheduled Tribe status can only be given to a community with less than 7 lakh of total population. On the other, electoral arithmetic requires larger numbers. So both communities unofficially estimate their strength to be around 10-15 lakh each, and claim to influence the results of 22-5 seats in the Legislative Assembly.⁵²

The Jammu & Kashmir Pahari Cultural Forum established in 1969 was essentially a reaction to the Gujjar Welfare Forum. In 1977, the Paharis demanded a Welfare Board and in 1983-4, they sought Scheduled Tribe status. Some Pahari-speaking areas in Himachal Pradesh already enjoy this status. In 1989, Farooq Abdullah accepted the demand of a Welfare Board, but it was not implemented. Jammu & Kashmir Governor G.C. Saxena and his successor, Governor Krishna Rao supported the Paharis' demand and recommended to the central government to grant them Scheduled Tribe status. This has not been accepted till date.

More recently, Pahari leaders have been demanding the creation of a new Pahari region, separating predominantly Muslim Rajouri-Poonch from Jammu division with an Autonomous Hill Council (AHC) (depicted in Map 6) on the pattern of Leh Autonomous Hill Council.⁵³ The nature of grievances is familiar in terms of underdevelopment and social and economic backwardness of districts, dominance of Jammu district in the share of civil services, public sector undertakings and important institutions. The Pahari leaders point out that in 1997, out of 4 additional chief secretaries, 10 commissioners/secretaries, 4 secretaries, 8 special secretaries and 14 deputy secretaries, only one resident of Rajouri was posted as secretary to the Gujjar and Bakkarwal Advisory Board. Among 38 officers working as heads of departments in the Jammu region, one officer each belonged to Rajouri and Poonch district. Out of approximately 50,000 Group D employees in the civil secretariat, only 2 belonged to these districts.⁵⁴ There is little representation of these districts in public sector undertakings and institutions like Jammu University and the medical college. All universities and other regional offices are located in Jammu. The Pahari leaders argue that the region has a distinct geography, history, language, culture, as well as socio-economic conditions. Comparing the per capita expenditure in Rajouri and Poonch with Leh and Kargil (see Table 8.3),⁵⁵ they

TABLE 8.3 : PER CAPITA EXPENDITURE

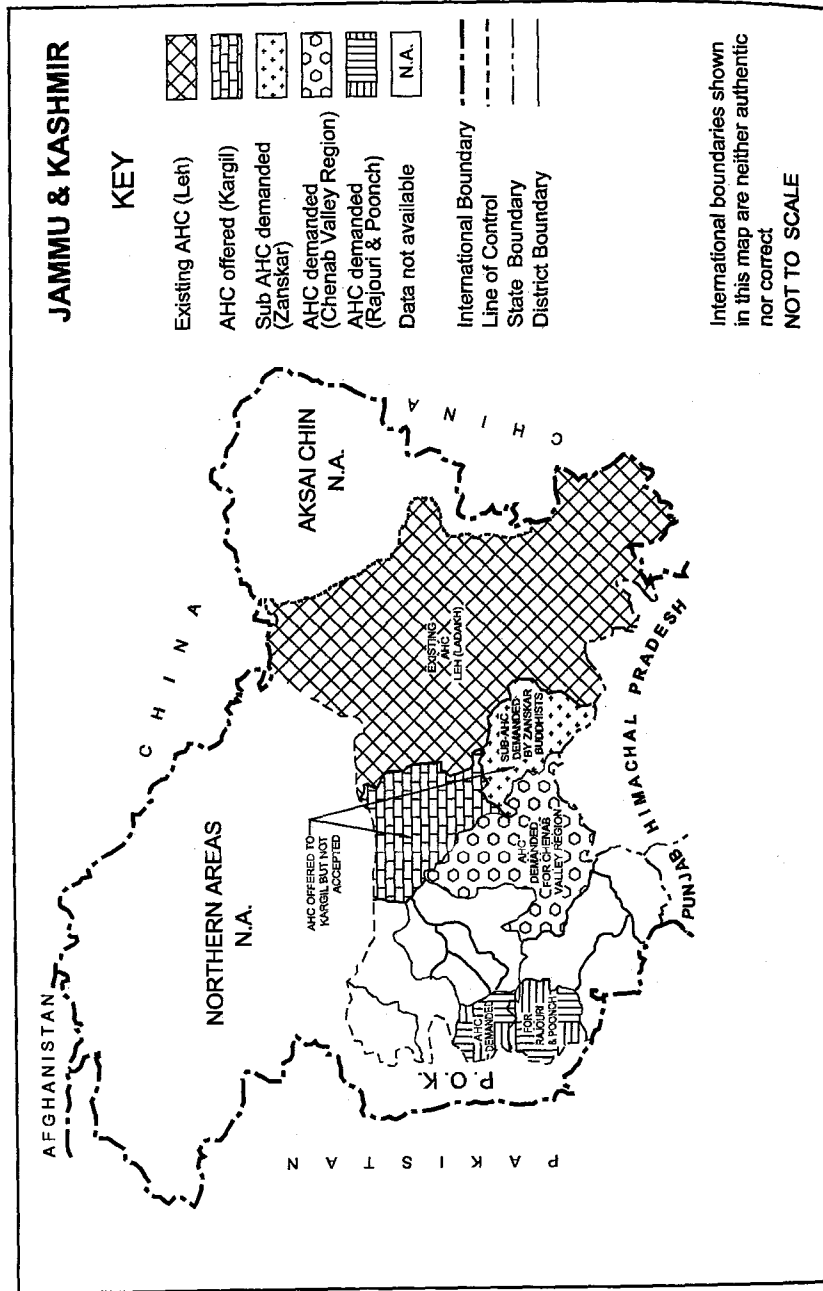
District	Population	Per capita expenditure (Rs)
Leh	89,000	2,400
Kargil	81,000	2,363
Rajouri	41,7000	549
Poonch	2,92,000	610

argue that 'if Leh could have an Autonomous Hill Council, why not us?'⁵⁶

Another demand for setting up an Autonomous Hill Council has been put forward for the Chenab valley region consisting of Doda district,⁵⁷ *tehsils* Gool-Gulabgarh, Dudu Basantgarh of Udhampur district and Lohai Malhar and Bani of Kathua district with Scheduled Tribe status (depicted in Map 6).⁵⁸ The proponents of this demand divide Jammu & Kashmir state into four natural regions: (a) Sub-mountainous and semi-mountainous tract or plain-kandi belt comprising the whole of Jammu district, and the plain areas of Udhampur and Kathua districts; (b) Outer Hill Region including the districts of Doda, Rajouri, Poonch and the hilly areas of the districts of Udhampur and Kathua; (c) the Jhelum valley region (the entire Kashmir Valley); and (d) the Tibetan and semi-Tibetan tracts including Ladakh and Gilgit. It is argued that since the Chenab valley region is a distinct and independent region with a rich cultural and historical background and is socially, economically and politically backward, it needs a separate Autonomous Hill Council. The populace of Doda district is multireligious and multi-lingual, with 150 out of the 200 dialects spoken in Jammu region. The break-up of the languages spoken is 44.5 per cent Kashmiri and 7 per cent Dogri, besides Siraji, Kishtwari, Urdu, Pogli and Bhaderwahi. According to the Anand Commission report, vide SRO 126 dated 28 June 1994, 562 out of the 655 villages of Doda district and all the villages of *tehsil* Gool-Gulabgarh, Dudu Basantgarh of Udhampur district and Bani of Kathua district, with few exceptions, have been declared socially and educationally backward, compared to only 68 out of 1,192 villages in Jammu district and 55 out of 175 in Srinagar district falling under this category. The earlier Wazir Commission report is cited to demand establishment of a new district of Kishtwar and upgradation of Padder, Marwah, Chhatroo and Naibat as full-fledged *tehsils*.

Critics view the demands for autonomous hill councils by the Muslim-majority districts of Rajouri, Poonch and Doda as part of a larger plan to break Jammu's plural identity and reinforce the

MAP 6 : AUTONOMOUS HILL COUNCILS



communal fault line within the Jammu region. The support of the National Conference leaders to these proposals brings back memories of Sheikh Abdullah's plans of 'Greater Kashmir' by isolating two-and-a-half Hindu-majority districts of the Jammu region.⁵⁹ The Paharis are spread from Basoli in Kathua to Rajouri and Poonch on one side and Uri and Keran in the Valley. 'If they are demanding [an] Autonomous Hill Council for [the] Pahari region along [the] Line-of-Control, why exclude areas in the Valley?' is the question asked; the answer is because Kashmiris will not allow that.⁶⁰ National Conference leader Mohammad Shafi defended it by arguing that Uri and Keran are not linked to Rajouri and Poonch, because Hajipur, linking the two areas, is not under Indian control.

The claims are in part driven by short-term political considerations. The demand for a Pahari region is designed to undermine the influence of the Gujar and Bakkarwal leaders in the region, because these communities have traditionally backed the Congress party. Perhaps that is why the Gujjars do not support the demand of an Autonomous Hill Council for Rajouri and Poonch. Also, if the demand is driven by lack of economic development, then the predominantly Hindu hill areas south of the Chenab, in Kathua, have done no better than Rajouri and Poonch. The solution lies in providing a responsive government, rather than in sharpening the communal boundaries.

Critics also ask who the Paharis are? They include Malik, Mirza and other higher castes of the Muslim Rajputs and Hindus who are feudal elements and who look down upon the lower and backward castes of the Paharis. It is difficult to discriminate among the Paharis for granting them Scheduled Tribe status. If language is the only defining criterion, there is no single uniform language spoken all over the state. Grieson called the hilly areas from Bihar to Baluchistan as Pahari-speaking, but there are different dialects.⁶¹ Besides, the Paharis cannot demand Scheduled Tribe status because they first need to be identified as Other Backward Castes (OBC).⁶² Finally, the Gujjars argue that if the Paharis are also given Scheduled Tribe status, their advantage will be lost. The pie for intra-Scheduled Tribe competition is not large. The total reservation in the state cadre for all the reserved categories is 10 per cent. Leh and Kargil get 2 per cent each. The Gujjars had been enjoying 4.5 per cent reservation in technical institutions, recruitment and promotion since 1982, vide a government notification of 3 July 1982. After an April 1991 notification declaring them as a Scheduled Tribe, the Gujjars'

share in reservation is 6 per cent. If Paharis are also given Scheduled Tribe status, 6 per cent will be further divided.⁶³ Besides, the government is yet to implement reservation for Gujjars in technical institutions, teachers' employment, and most important, in electoral constituencies.

There is another political movement demanding Dogri language's inclusion in the Eighth Schedule of the Indian Constitution that would provide Rs one crore per year for development of the language. The Dogri Sanstha, set up in 1944, played an important role in preserving folk literature and Dogri miniature paintings, besides holding dramas and *mushairas*. In 1961, the Sahitya Academy recognized the Dogri language. The Dogri Sangharsh Morcha supported by several literary, social and cultural organizations⁶⁴ and Jammu's principal political parties has been articulating this demand through processions, demonstrations and strikes. Despite the Jammu & Kashmir government's recommendation of the Dogri case, it remains to be conceded by the central government.

Ladakh: Buddhists in Zaskar Area

In Ladakh, Zaskar's minority Buddhist community of 18,000 feels neglected and discriminated against by the Kargil Muslim-majority administration. Their long-standing demand for a monastery, serai and cremation ground in Kargil town is cited as an example. Kargil leaders, on the other hand, are indignant about Zaskar's demand for a separate sub-hill council when they themselves have not accepted an Autonomous Hill Council for Kargil district (see Map 6). Echoing the LBA's arguments in Leh's context, they argue that the 'minority [Buddhists] must live according to the [Muslim] majority's considerations and support Kargil's interests'.⁶⁵ However, this did not deter Zaskar's Buddhist Youth Association President, Tsewang Chostar, from sitting on a dharna in May 1995 to demand a separate assembly constituency for Zaskar because it remains totally cut off for eight months a year necessitating their own representative in the state assembly.

CONCLUDING REMARKS

The failure of Jammu's and Ladakh's regional and subregional group identities may be explained by examining the nature and representative character of their social bases. If a political group does

not the articulate political interests of *all* the members of its self-proclaimed group identity, it stands little chance of success. The most important reason for the failure of Jammu's political demands—ranging from regional political autonomy, a regional council to a separate state—has been lack of mass support in the region. Likewise, the Ladakhi Buddhists demanded union territory status for Ladakh region but were opposed by the Kargil Muslims (comprising nearly half its population). The story of the Kashmiri Pandits was no different. They also failed to mobilize support elsewhere in the state and the rest of India. Nor did they join hands against the state government, except for some tentative attempts by Jammu's BJP unit and the Jammu Mukti Morcha to forge a common front with the LBA leaders. The divide between Kashmiri and non-Kashmiri runs deep. For instance, the Kashmiri Pandits' adjustment against vacant jobs from Jammu's quota is resented by the people of Jammu; the Ladakhi Buddhists also did not show much enthusiasm in supporting the cause of the Pandits.

However, the United Front government's commitment to grant 'maximum autonomy' to Jammu & Kashmir and Farooq Abdullah's assurances of federalizing the state's polity promised a better future. In the electoral campaign, Farooq emphasized 'regional autonomy' for Jammu and Ladakh and Kashmir, and 'sub-autonomy' for ethnic and religious groups in these regions. He promised to 'build a federal structure . . . there will be a sort of a central government and three autonomous units—Jammu, Kashmir and Ladakh', rooted in the new-found belief that 'by giving the three regions a feeling of pride in their culture, heritage and sub-cultures, I will be looking after my people better'.⁶⁶ This appealed to the electorate in Jammu and Ladakh which, for the first time in the post-Independence history of Jammu & Kashmir state, overwhelmingly voted for the National Conference party in 1996 state assembly elections, earning it a two-thirds majority in the state assembly.

NOTES

1. *The Hindustan Times*, 14 May 1992.
2. *The Hindustan Times*, 15 May 1992; and *The Hindustan Times*, 20 April 1995.
3. *Frontline*, 23 October 1992, p. 35.
4. Based on interviews with Ladakh Buddhist Association leaders.
5. *Frontline*, 30 December 1994.

6. The JMM activists argue that according to the Jammu & Kashmir Peoples Representation Act's criteria of population, Jammu should be given 40 seats.
7. Based on interviews with the activists from JMM and its president, Dr Virender Grover.
8. 'Jammu Mukti Morcha: Aims and Objectives', a political pamphlet (n.d.). Also see Virender Grover, 'Trifurcation of Jammu & Kashmir State: A Solution', a political pamphlet.
9. Based on interviews with the JMM activists.
10. Based on conversations with the intellectuals, journalists and political leaders in Jammu.
11. Author's interview with Balraj Puri.
12. Memorandum presented to the Regional Autonomy Committee by some Muslims in Jammu.
13. Interview with Ladakh Muslim Association president Akbar Ladakhi.
14. Based on conversations with LBA leaders.
15. The LBA's letter to Home Minister Mufti Mohammad Sayeed dated 8 June 1990.
16. *The Times of India*, 12 May 1992.
17. *The Hindustan Times*, 18 April 1995.
18. The Kargil Muslims have a meagre 5.5 per cent representation in the Ladakh Scouts in comparison to their nearly 50 per cent population share in the region.
19. Based on conversations with political leaders, the Islamia School representatives and the members of the Youth Voluntary Forum at Kargil.
20. Local residents pointed out that people in the transport business were not allowing unveiled women in their vehicles and some local businesspersons also objected to women not wearing burkas. Tailors in Srinagar were warned against stitching any Western-style dresses, which are not a part of the traditional attire of Kashmiri women, and were busy making burkas. See 'The Veiled Strategy', *Probe India*, May 1991, p. 22.
21. 'Main Slogans of Kashmiri Muslims to Drive out Kashmiri Hindus', web site: <http://www.kashmir-information.com/Miscellaneous/slogans.html>.
22. 'Destruction of Cultural Symbols and Shrines of Kashmir', issued by Panun Kashmir Movement, web site: <http://207.159.86.9/Atrocities/Temples/>; 'Kashmiris Demand a Homeland', web site: <http://www.kashmir-information.com/Miscellaneous/homeland1.html>; 'Persecution of Kashmiri Hindus: A Historical Evidence', web site: <http://www.kashmir-information.com/Miscellaneous/Persecution.html>; M. K. Rasgotra, 'Slow Eviction of Kashmiri Pandits', reproduced from *Koshur Samachar*, web site: <http://www.kashmir-information.com/Miscellaneous/homeland1.html>.
23. *Why Homeland?*, Panun Kashmir (n.d.), p. 6.
24. This point is borrowed from Veena Das' analysis of the Sikh militant discourse. See Veena Das, 'Time, Self and Community: Features of the Sikh Militant Discourse' in *Critical Events: An Anthropological Perspective of Contemporary India*, Veena Das (ed.), New Delhi: Oxford University Press, 1995, p. 128.
25. The Kashmiri Pandits point out that soon after assuming power, the Abdullah government had ordered premature retirement of the government employees who had attained 50 years of age or had a total service of 25 years. Simultaneously, fresh recruitment in government services and selection and nomination for higher and technical education outside the state was by and large restricted to their ratio of population; it severely restricted Pandits' avenues to government

jobs. In the rural areas, the Big Landed Estates Abolition Act, 1950, did not keep an opening for a landlord to work as a tenant. The Agrarian Reforms Act, 1976, provided an opportunity for the landlord to become a self-cultivating tenant, but restricted this option by imposing the domicile condition. It worked against landlords, particularly the Hindus, who had earlier been forced to leave the villages to live in the nearby towns within as well as outside the state.

26. Rasgotra argues that 1941 makes the beginning of a statistical assault on the Pandit numbers by the junior local Muslim officials who underestimated the strength of the Pandits by nearly 10-15 per cent. The 1981 census had put the Pandits' numbers at a little over 1,24,000 in a total population of 3.1 million, which stood exposed in 1990 when 3,00,000 Pandits fled the Valley. M. Rasgotra, 'Slow Eviction of Kashmiri Pandits', reproduced from *Koshur Samachar* web site: <http://www.kashmir-information.com/Miscellaneous/homeland1.html>.
27. *India Today*, 28 February 1993, pp. 24-8.
28. Susheela Bhan, 'Kashmiri Pandits: A Crisis of Isolation', *Politics India*, April 1997, p. 29.
29. M.K. Teng and C.L. Gadoo, 'Human Rights Violations in Kashmir', Kashmiri Smiti Publication (n.d.), p. 3.
30. 'India's Kashmir War', A Report by Committee for Initiative on Kashmir, New Delhi: March 1990, pp. 43-8.
31. The details are as follows:

Year	Constituency	Name of Legislator
1957	Amirakadal	Shri Sham Lal Saraf
	Habbakadal	Shri D.P. Dhar
	Kothar	Shri Manohar Nath Koul
1962	Kothar	Shri Manohar Nath Koul
	Amirakadal	Shri Sham Lal Saraf
	Habbakadal	Shri D.P. Dhar
1967	Devsar	Shri Manohar Nath Koul
	Pahalgam	Shri Makhan Lal Fotedar
	Habbakadal	Shri Srikanth Kaul
1972	Pahalgam	Shri Makhan Lal Fotedar
1977	Pahalgam	Shri Piyarey Lal Handoo
1983	Pahalgam	Shri Piyarey Lal Handoo
1987	Habbakadal	Shri Piyarey Lal Handoo
1996	Habbakadal	Shri Piyarey Lal Handoo

Source: 'Kashmiris Demand a Homeland', web site: <http://www.kashmir-information.com/Miscellaneous/homeland1.html>.

32. Based on conversations with Kashmiri Pandits at Jammu camps.
33. Panun Kashmir, op. cit., p. 47.
34. Bhan, op. cit., p. 32.
35. K.L. Kaul, and M.K. Teng, 'Human Rights Violations of Kashmiri Hindus', in *Perspectives on Kashmir: The Roots of Conflict in South Asia*, Raju G.C. Thomas (ed.), Boulder, Col.: Westview Press, 1992, p. 177.
36. Kaul and Teng argue that the Universal Declaration of Human Rights which protects the Muslims in Kashmir against the arbitrary authority of the state also

imposes an equal obligation on the state to protect the Hindus and other ethnic and religious denominations against extermination and religious persecution if they are not prepared to submit to the precepts of a Muslim state. In Kashmir, the Muslim insurgents' slogan of Islamic jihad, when there are other religious minorities in the Valley, is a negation of the human rights of those minorities. Ibid., pp. 181-2.

37. It was drawn up by eminent jurists and other scholars with the collaboration of the representatives of various Islamic movements. According to this declaration, some articles violated by Kashmiri Muslims relate to the Right to Life: (a) Human life is sacred and inviolable and every effort shall be made to protect it. In particular, no one shall be exposed to injury or death except under the authority of law; (b) Just as in life, so also after death, the sanctity of a person's body shall be inviolable. It is the obligation of believers to see that a deceased person's body is handled with due solemnity. Ibid., p. 185.
 38. O.N. Dhar, 'Demand for Panun Kashmir', *The Hindu*, 9 February 1994.
 39. In a series of letters to the editor, a group of Pandits wrote: 'We strongly condemn the atrocities that are being unleashed on our brothers by the Indian Occupation Forces. We also appeal to the government of India and to [the] UN to fulfil the promises and implement the UN resolutions passed in 1948 for granting a right of self-determination to Kashmiris. We feel ashamed of having become tools in the hands of enemies of our nation and for not participating in the freedom struggle of our motherland from the alien rule.' Others pleaded: 'We appeal to the Mujahideen . . . and especially to Javed Mir, Mushtaq Ahmed Zargar and Ahsan Dar to forgive the community for their betrayal in the name of Holy Quran and in the name of Holy Prophet and allow them to return homes.' *Daily Ahsa News*, 18 September 1990 and 22 September 1990. Many Pandits, however, contest the origin/authenticity of these letters.
 40. Scholars trace the historical roots and affinity of the Gojri language to the *Gurjara Apabhramsa* of Sanskrit grammar. Scholars are also of the view that Gojri language spoken by the Gujjars in the north-western Himalayas has a very close relationship with Marwari (Rajasthani), of a region around Mount Abu (Rajasthan) and was known as *Gurjara Desa* in the sixth century AD.
 41. The population of Gujjars, based on the census reports from 1891, is as follows:
- | Census year | Population of Gujjars |
|-------------|-----------------------|
| 1891 | 2,15,796 |
| 1901 | 2,86,109 |
| 1911 | 3,28,003 |
| 1921 | 3,62,107 |
| 1931 | 4,02,781 |
| 1941 | 3,81,457 |
42. R.P. Khatana, 'Gujari Language and Identity in Jammu & Kashmir', *Awaz-e-Gurjar*, January 1996, pp. 49-54.
 43. Author's interviews with Gujjar leader, Mr Masood Choudhary and Choudhary Talib Hussain in August 1997.
 44. The first such publication before Independence was *Gujjar Veer*. It was published in Hindi and Urdu from Meerut, and concerned itself with the political consciousness and upliftment of the Gujjars. *Gujjar Gazette* (Lahore, Urdu) followed this.

45. Rafique Anjum, 'Evolution of Gojri Language', *Awaz-e-Gurjar*, January 1996, pp. 6-12.
46. The government claims to have provided Rs 80 lakh for pre-matric scholarship for 85,000 students of the tribe. In addition, another amount of Rs 0.80 lakh was reimbursed as examination fees to 800 students. A girls' hostel with a capacity of 50 residents has been established at Jammu, and there are boys' hostels at every district headquarters (barring Kargil and Leh) in the state. The state government spent Rs 10.1 crore on the hostel management alone. R.R. Khatana, 'Educational Neglect of Gujjar Community', *Awaz-e-Gurjar*, June-July 1996, pp. 43-6.
47. The Paharis include Khattris, Brahmins and Mahajans among Hindus and the depressed castes of Syed, Qureshi, Manha, Jarals, Dulli, Lohar, Tarkhan, Mochi, Lone and Dar among Muslims. Interview of Syed Mushtaq Bukhari (a Pahari leader) by the author in August 1997.
48. Several well-known linguists like Sir Graison and Mr Bein believe that Sharada Lipi, a script devised by Buddhist scholars to propagate Buddhism, is the source of the Pahari language. Syed Mushtaq Bukhari, 'Pahari, an Ancient, Distinct and Acknowledged Language', *The Kashmir Times*, January 1992; and 'Pahari: a Distinct, Linguistic, Ethnic and Cultural Entity', *The Kashmir Times*, 13 April 1992.
49. According to the 1941 Census, the Kashmiri-speaking people were in a minority and Sheikh Abdullah would have never become Chief Minister of the state. Interviews of Ved Bhasin and Mir Munir by the author in August 1997.
50. Syed Mushtaq Bukhari in an interview with the author in August 1997.
51. Syed Mushtaq Bukhari, 'Paharis in Trouble', *The Daily Excelsior*, February 1994.
52. In an interview with the author, Choudhary Talib Hussain claimed that the Gujjars influenced the results of 22 seats while the Pahari leader Syed Mushtaq Bukhari listed 25 seats. These include Haveli, Mendhar, Swarnkot, Rajouri, Kalakot, Naushera, Karna, Uri, Gurais, Rajiabad, Shangun, Kangan, Mahore, Gool-Gulabgarh, Garh and Darhal.
53. Three memorandums were submitted to the Regional Autonomy Commission to this effect. These included 'Memorandum on behalf of Poonch-Rajouri Hill Council' by Mohammad Younis Chauhan, President, Poonch-Rajouri Hill Council; 'Memorandum for grant of Regional Council status for Rajouri and Poonch'; and an individual 'Memorandum for Regional Council for Rajouri and Poonch' by Tahir Khurshid Raina.
54. Starred question no. 199 by Mushtaq Ahmad Shah in the Legislative Assembly Budget Session, 1997.
55. The Pahari leader, Syed Mushtaq Bukhari, provided these figures to the author in August 1997.
56. Mohammad Shafi, an important National Conference leader also made this point in an interview to the author in August 1997.
57. The total geographical area of this district is 11,691 sq. km. It has four sub-divisions: Kishtwar, Doda, Bhaderwah and Ramban with seven *tehsils* and six assembly segments. Doda district has 655 villages, 132 *panchayats* and 14 rural development blocks, namely Kishtwar, Thathri, Gandoh, Marwah, Warwan, Paddar, Inderwal, Doda-Ghat, Ramban, Ramsao, Assar, Bhaderwah, Banihal and Bhagwa.
58. 'Memorandum for Recommending Statutory Autonomous Hill Development Council for the Chenab Valley Region consisting of District Doda, *Tehsil* Gool-Gulabgarh, Dudu Basantgarh of Udhampur district, Lohai Malhar to Bani of

- Kathua district', submitted to the Regional Autonomy Committee by Sheikh Abdul Rehman, MLA from Bhaderwah, Qazi Jalal-ud-Din, MLA from Inderwal, Prof. Mohammad Ayub, Master Abdul Gani, MLA from Gool, Abdul Hamid Qazi, Abdul Latif Malik (Spokesman), Farooq Ahmed Mir, MLA from Banihal, Mohammad Ayub Khan and Prof. Abdul Aziz. A.R. Fida Kishtwari, Chairman, Development Forum of Kishtwar and others. Another memorandum to this effect was submitted by G.H. Khan, ex-MLA, Kishtwar. See Appendix XI.
59. The National Conference leaders arguing for restructuring of Jammu's regional identity include Rajouri MLA and School Education Minister, Mohammad Sharief Tariq, Surankot MLA, Mushtaq Ahmad Bukhari, Mendhar MLA and Agriculture Minister, Nisar Ahmad Khan and Uri MLA and Finance Minister, Mohammad Shafi. In fact, Shafi insisted that 'Jammu has no identity of its own' in an interview with the author in August 1997.
60. Interview with Ved Bhasin, Editor, *The Kashmir Times* in August 1997.
61. For a Pahari viewpoint, see Syed Mushtaq Bukhari, 'A Case for Paharis', *The Daily Excelsior*, September 1994.
62. Interview of the Gujjar leader, Masood Choudhary with the author in August 1997.
63. Interviews with the Gujjar leaders Mian Altaf, Masood Choudhary and Choudhary Talib Hussain in August 1997.
64. These include: Dogri Sanstha, Jammu University Students Federation, Hindu Raksha Smiti, Shree Rajput Youth Federation, Democratic Youth Federation of India, All-India Students Union, Jammu Mukti Morcha, Muslim Federation and Jammu Maha Sabha.
65. Based on interviews with political leaders and activists at Kargil in August 1997.
66. Farooq Abdullah's interview in *Outlook*, 16 October 1996.

CHAPTER 9

Hopes Belied?

The state assembly elections in October 1996 and the return of the National Conference to power had raised hopes for a new beginning in Jammu & Kashmir. Would Farooq Abdullah succeed in turning the tide, healing the wounds of Kashmiris and presenting a viable political alternative of autonomy—at the state and regional levels—to the separatist agendas of political groups in Jammu, Kashmir and Ladakh?

The odds were high. Farooq had inherited a civil administration in shambles, a militarized state apparatus totally dependent upon the army to fight the militancy and a bankrupt state treasury that needed the centre to bank-roll its economy especially the mounting expenditure on security operations. On the other hand, the full backing he received from the national leadership cutting across the political divide strengthened his hands. Three years into his tenure, we can ask, Has the National Conference government been able to deliver? The answer, I shall argue, is in the negative. We arrive at it by examining the state government's performance in four important spheres: rejuvenating and rebuilding the administrative structure; reviving the democratic political processes; regaining Jammu & Kashmir's special status while federalizing its own political structures; and, last but not least, tackling the militants' challenge.

A NON-GOVERNING REGIME

Farooq Abdullah's government has done little to rebuild the ravaged infrastructure of the state including schools, hospitals and bridges. Of the total number of damaged bridges—157 major and 244 minor—only 130 have been repaired. Similarly of the 828 schools that were

gutted only 489 have been rebuilt. Against Rs 14.44 crore needed to repair school buildings, only Rs 30 lakh were provided in 1999-2000.¹

The state government completely failed to provide a civic, humane and accountable administration; it failed also to establish the writ of the state and to reach out to the people. Among the top political leadership including Farooq Abdullah—described as a 'non-resident' Chief Minister—his ministerial colleagues, the National Conference MLAs and cadres as well as the government officials—no one is willing to step out of their security zones to lend a sympathetic ear and address the basic day-to-day problems of the people. Ironically, the number of government employees has risen from 2.54 lakh in March 1996 to 3.58 lakh by end 1999 and yet the local administration cannot make its presence felt. Kashmiris feel let down by the state government. The remark of Haji Mohammad Ismail, a farmer from Anantnag district, 'We are not asking for the moon, just basic minimum relief from nine years of destruction,' reflects growing public disenchantment.

The Chief Minister who promised employment and reconstruction has failed to deliver even half way. Hard pressed to accommodate his party workers, he went on a recruitment drive and doled out 60,000 jobs but each of these is mired in charges of nepotism and corruption. Little, if any, opportunities came the way of ordinary people. As a result the youth, having abandoned all hopes of getting jobs, are, for the first time in many years, willing to cross the border to join the ranks of militants.

Rehabilitation: The Unkept Promises

A state torn by a decade-long cycle of violence calls for a comprehensive and generous rehabilitation policy catering to different segments of the populace such as the people hit by militancy, youth, particularly the militants who surrendered and the displaced Pandit community. However, the programme for the rehabilitation of families affected by militancy which had evoked a tremendous response fell far short of expectations. Hoping to start with a corpus fund of Rs 20 crore, the scheme, aimed at those widowed or orphaned by militant violence, soon petered out because only Rs 8 crore was sanctioned. The state government has not released any money for this scheme since 1998 and the centre has also stopped its matching grant.² No meaningful attempts like a general amnesty for those who shunned the path of violence have been made. In fact the youth are

caught in a vicious circle. Growing unemployment in the 1980s and the lure of power and money had pushed them to the path of militancy, and once involved, they remain suspect in the eyes of the state authorities, further shrinking their job opportunities. Despite a thorough screening by the state administration, every individual released from custody fears being spotted by a 'cat' (informer) from the police, army or paramilitary forces. The youth was the vanguard of the Kashmiri militant movement and a systemic failure to provide them a viable political and economic alternative will virtually push them back into the arms of the militants for 'the arms supply and funds for recruitment of Kashmiri youth into militancy [has] never stopped at the other end'.³

Promised jobs and rehabilitation packages for the militants who had surrendered and who played a critical role in the government's counter-insurgency strategy, also never materialized. Instead, they became targets of political hostility and victims of official apathy. Even the Rs 1,500 that is supposed to be paid to the Special Police Officers (SPOs)—a category that was created in the Jammu & Kashmir police department to benefit individuals who could not be formally employed in the police force—has not been paid regularly because of the state's cash crunch.⁴ Left to fend for themselves, they resort to extortions as admitted by Jammu & Kashmir Ikhwan militia's battalion commander Jehangir Khan.⁵ In some areas, they run a parallel administration. A new component of pro-government militia has thus been added to the earlier contractor-politician-bureaucrat nexus that appropriated the state's development funds. Consequently, the development works remain at a standstill.

The initial experiment of raising two battalions of former militants for the paramilitary forces did not succeed because they were averse to leaving the state fearing reprisal attacks on their families. The army officials, on the other hand, pointed out that 'all prefer jobs in local administration or police, because they are cushy jobs with a lot of room to make money'.⁶ In some instances, these posts were filled by the mainstream youth who had never joined militancy, but due to lack of alternate job avenues, they were forced to buy the surrender certificates available from the local police at a price.⁷

Return of the Migrant Pandits

The installation of a popularly elected government did little to mitigate the sufferings of the migrant Pandit community. A survey conducted soon after Farooq Abdullah took over revealed that

2,311 Pandit homes had been illegally occupied and 5,344 homes had been gutted. Promising to personally supervise the reconstruction of Pandit homes, Farooq had given priority to the return of the Pandits. But no clear, long-term strategy was devised to achieve this objective. Abdul Ahmed Vakil, the Minister of Revenue and Rehabilitation first promised to remove encroachers from the Pandit properties but, having failed to evict them, he said that the state revenue officers would collect rent and pass it on to the rightful owners. The matter, however, remained on paper for another year. Then Chief Secretary Ashok Jaitley's announcement that the government had decided to take over the houses and pay the rent to the Pandit owners, also met the same fate.⁸ Later, Farooq hardened his stance, 'I have decided it is up to them [Pandits] to come. I will not push it. Those who want to come are welcome. But next year, I will take stringent steps. Doctors and teachers are drawing their salaries without work. . . . If the migrants prefer the wretched camps to their home, it is their problem. They are not in any more danger than I am. Pandits should take their chances too.'⁹

However, the state government did little to provide security to those Pandit families who had stayed back even after the second wave of migration following the killings in Sangrampur in April 1997. The state government did not deliver on any of its promises of providing weapons training, posting security personnel in villages where Pandit families were staying and then moving them to safer areas closer to towns and district headquarters. Disillusioned and abandoned by the state, Pandits have started pulling out of the state permanently. Notwithstanding the ban on the sale of migrant property—by militants as well as the state government—nearly 70 per cent to 80 per cent of Pandits, since 1996, have sold their shops and homes in the Valley and migrated. Srinagar, which once had one lakh Pandits, has seen 90 per cent of the shops changing hands. The signboards—symbols of co-existence—like Hind Books, Mahinder Nath & Janki Nath and Perfection House have given way to Bilal & Bilal and Dubai Fashions.¹⁰ Jammu & Kashmir is now witnessing gradual Islamization of the Valley where earlier two communities had lived as a closely-knit and harmonious unit, bound by the Kashmiri traditions and customs.

Bankrupt State Treasury

The state is facing a financial crunch. By end December 1999, there was a gap of about Rs 1,200 crore between revenue and expenditure. The government is spending more on itself and little on development.

For implementing a plan of Rs 1,000 crore, it spends Rs 3,000 crore on salaries. It spends Rs 675 crore on purchase of power, for instance, but is able to collect tariff worth Rs 100 crore. Repayment of loans—accumulated since Governor's rule was imposed—has further reduced the money available for development. With an outstanding debt of Rs 3,000 crore, the state's annual debt servicing has been to the tune of Rs 700 crore. Its non-plan expenditure too zoomed from Rs 922 crore in 1996-7 to Rs 2,800 in 1998.¹¹

The state has several additional liabilities imposed by special security-related circumstances which it wants the Union government to meet. Since 1988, Rs 300 crore has been paid to Kashmiri Pandit employees who left their jobs in the Valley and are living elsewhere. In addition Rs 400 crore has been paid to employees of public sector units which closed down amidst violence. The state overdraft at Rs 950 crore is not entirely of its making. The overdraft had already risen from Rs 80 crore in 1989-90 to Rs 650 crore in October 1996 when the National Conference came to power. The state government demands that its status as a Special Category state, as designated in 1990, be given retrospective effect from the mid-1970s as that would entitle it to 90 per cent of central assistance as a grant and the remaining 10 per cent as loan. Until 1990, Jammu & Kashmir had received just 30 per cent of assistance as grant.

Union finance ministry officials, however, insist that the state government could do a lot more to ensure efficiency and end corruption. The report of the Comptroller and Auditor General of India, presented in October 1999, is a depressing chronicle of endemic financial mismanagement and outright fraud in the state government. It points out that the state has failed to furnish utilization certificates to the tune of Rs 13,468 crore and the total expenditure of the state government aggregated Rs 9,544.61 crore against the authorized provision of Rs 6,373.49 crore. Likewise the Planning Commission observed that out of the Plan allocation of Rs 1,750 crore for the current year, the state government had spent Rs 1,000 crore for the salary and maintenance component alone. Expenditure of about Rs 10 crore spent on organizing the first National Winter Games in January 1998, Rs 22 crore on purchasing a state airplane, and Rs 15 crore on developing a golf course in Srinagar are only some instances of the skewed priorities of the state government. Overall, empty coffers of the state treasury, a stagnant economy with little development work has meant limited economic opportunities for the common people. How, then, can they develop a stake in the political system?

DEMOCRATIC POLITICS: TALE OF BLUNDERS

The single most important failure of Farooq Abdullah regime's was its inability to open up political spaces for people's participation and the democratization of the political processes of the state. The decreasing participation of voters in the elections in these last three years indicates growing public disenchantment with democracy.¹² The only meaningful and effective alternative to the people's dream of *azadi*—an independent state—was to give them *azadi* (meaning political freedom) within the existing boundaries. For this, the state government needed to start a dialogue with the militants and their political representatives, allow a healthy political opposition to evolve in the state, and revive political activities at the grass-roots level. Farooq was found wanting on all three counts. The local bodies and *panchayat* elections which could have made an excellent start were continually postponed on one pretext or another.

Talks with Militants

Farooq Abdullah had promised to 'fight the All Party Hurriyat Conference politically'¹³ but throughout his tenure, he refused to open any channel of communication with them or with the more moderate elements such as the Forum for Peaceful Resolution of J&K and Shabir Shah's Democratic Freedom Party—both willing to engage in an 'unconditional dialogue with India without involving Pakistan'.¹⁴ Also, attempts by the United Front government led by I.K. Gujral, to open talks with the Hurriyat leadership were quickly scuttled by the Abdullah government, as that would undermine the National Conference's claim to be the sole representative of mass opinion in the state.

The idea of such a dialogue was, by end 1999, revived by some forces within the current government of National Democratic Alliance who believed that Chief Minister Farooq Abdullah's three-year reign had undermined the gains made in 1996 but no viable opposition was in sight as an alternative. It is hoped that starting a dialogue with All Party Hurriyat Conference (APHC) would be a beginning for the prospect of some secessionist leaders joining mainstream politics.

A gradual but important shift in the Hurriyat's position also helped this process. The state assembly elections in 1996 had pushed the APHC to the margins of state politics. The people were fed up with the militants violence and their patron—Pakistan—had agreed to

hold bilateral talks with India without involving the Kashmiris. The crunch came when Pakistan backed off during the Kargil crisis in May-June 1999. The Hurriyat was furious with 'Pakistan having capitulated to American diktats' and described the Clinton-Sharif meeting as the 'apologetic policy' of Pakistan government.¹⁵ Syed Ali Shah Geelani, chief of the APHC (which has always toed Pakistan's line) stated, 'during the last fifty years, weak policies of the Pakistan government and its parasitic character reduced the issue from the international level to a border dispute between the two governments'. Subsequently, Abdul Ghani Lone attacked Pakistan's Kashmir policy and hinted at a direct dialogue with India. In an interview to the *Indian Express* on 6 November 1999, Lone said, 'India had to give up the bullet-for-bullet policy and volunteer for a dialogue with the Kashmiris as they are doing in the northeast'. 'Only this,' he concluded, 'will enable us to prevail upon the outsiders to keep off Kashmir.' A fortnight later, APHC Acting Chairperson Umar Farooq, came out even more explicitly suggesting an India-APHC dialogue with Pakistan 'involved at a later stage'.

Such a dialogue would, no doubt, face stiff opposition from the major Pakistan-based militant organizations such as the Lashkar-i-Toiba and Harkat-ul-Jihad-Islami and till March 2000 had not materialized. If it should, it would certainly be a positive step in the right direction.

The Sole Spokesman

The National Conference once again sought to become the sole representative of pro-India secular voices in the Valley. With several key non-National Conference political leaders from CPI-M, Congress, Janata Dal and independents such as Ajat Shatru, son of the Dogra icon Dr Karan Singh, joining the National Conference government, there was no secular opposition political party in the state. In the 1999 elections, the National Conference faced a new political challenge from the People's Democratic Party (PDP), formed in June 1999 by the Union Minister Mufti Mohammad Sayeed and his daughter Mehbooba Sayeed. In order to undercut the moderate, secular and pro-India PDP's support base, the National Conference leadership allowed the APHC to conduct a vigorous anti-election campaign, expecting that low voter turnouts would sabotage its prospects and those of other opposition figures like National Conference rebel Saifuddin Soz and the CPI-M leader Mohammad Yusuf Tarigami. Such election campaigns had met with arrests in

1996 and 1998 on the grounds that the Hurriyat's links with terrorist groups ensured that the calls for a poll boycott were coercive in nature.¹⁶ But in 1999, the state government refused to respond to even the formal request of the Union Home Ministry officials to arrest the Hurriyat leaders. Also, due to poor security deployment during the election period, which inexplicably went down from 356 companies in 1998 to just 6 in 1999, widespread booth capturing and poll malpractices were reported. The National Conference swept the Valley, winning four seats and soon thereafter dispatched the top APHC leaders to jail on the charges of complicity with terrorist groups and seditious activities.

The PDP's attempts to forge a broad coalition of anti-National Conference forces did not work because its central poll plank of direct negotiations with insurgent groups and what Mehbooba Sayeed described as 'all alienated sections of the Kashmiri people' directly hit the Hurriyat Conference, eroding its constituency. That is why Mehbooba's hope for tacit APHC support in urban Srinagar did not materialize.

Joining Hands with BJP: Communalization of State Politics

Farooq committed yet another blunder by joining hands with the BJP government in the aftermath of the 1998 general elections. He had apparently not learnt any lessons from the National Conference-Congress alliance of 1986. If Congress was perceived as an 'outsider' in the Valley, the BJP's ideology was anathema to the Kashmiris. BJP's *Hindutva* plank and its stand on abrogation of Article 370 militated against the secular nationalism of the National Conference and its commitment to the restoration of Article 370. Although the BJP, as part of the National Democratic Alliance born after the 1999 general elections, had dropped it from the coalition government's agenda but its state unit in Jammu & Kashmir refused to renounce it.

By joining the BJP government, Farooq's credibility suffered in the eyes of Kashmiris. An alternative explanation of the National Conference-BJP alliance could be that the two had reached a tacit understanding over carving up the state into their respective turfs of political dominance—the National Conference in the Valley and the BJP in Jammu. Together, they left little democratic space for any secular political opposition in the state.

More importantly, this resulted in communalization of the state politics, especially in Jammu. Ironically, this also seemed to be the agenda of the militants who had, through a series of well-planned

massacres of Hindus, sought to drive a wedge between the two communities. Massacres of Hindus in Jammu region had begun with the Kishtwar killings of August 1993 when 16 Hindu passengers were shot dead. In 1996, three massacres took place, followed by another three in 1997 in which more than 40 Hindus lost their lives. The Hindu Right used the killings to spread communal fears, terming it as a 'religious cleansing'. The politicization of the massacres obfuscated the fact that Muslims constituted the majority of victims of militants' violence—reflecting the 55:45 Muslim-Hindu ratio of populace in Doda district.

A Doda Migrant Manch set up in early 1997 suggested that up to 500 families, mostly Hindus, had fled the region to Jammu and campaigned that the benefits given to migrant Kashmiri Pandits also be granted to these families. However, the local administration's inquiry revealed that only some 50 families had permanently migrated out of Doda, 5 of which were Muslims and all the cases of permanent migration had taken place before 1994, suggesting that they were not linked to massacres but to a general sense of insecurity in the area.¹⁷ Migration as a mass phenomenon then simply did not exist but 'its rewards generated an industry of politicians and other hopeful beneficiaries' making it a reality by the end of 1998 when several killings took place.¹⁸

There seemed to be a strange conjunction, almost a complicity, of interests between the militants and the agenda of the political parties. The militants hoped to accentuate the geographical fault lines between Hindus and Muslims. At the same time, politicians of the BJP benefited from such killings in Hindu-dominated areas south of Chenab, while the National Conference which 'functions as an affiliate of the Jammat-i-Islami in the Jammu region', benefited from Muslim communal consolidation north of the Chenab.¹⁹ The absence of a mainstream political force which might have attempted to strengthen the traditional trans-communal cultural and social ties of the area was conspicuous. The communalization of the state politics deeply influenced the agenda of securing state and the regional autonomy.

THE AGENDA FOR AUTONOMY

The State Autonomy Committee and the Regional Autonomy Committee, set up by Farooq Abdullah's government in November 1996,²⁰ released their respective reports in April 1999. The two

documents provide the most critical inputs into reshaping Jammu & Kashmir's political future.

Regaining Jammu & Kashmir's Special Status

The State Autonomy Committee, in essence, upheld the longstanding Kashmiri stand on political autonomy and outlined a series of constitutional and legislative measures for its restoration to the original understanding at the time of the accession of the state. Illustrating the deep erosion of the special status envisaged in the Instrument of Accession and Article 370, it pointed out that of 395 articles in the Indian Constitution, 260 are applicable in Jammu & Kashmir. The remaining 135 are those for which there are identical provisions in the Constitution of Jammu & Kashmir. Only 3 of the 97 areas listed in the union list are still inapplicable in the state, as are 26 of the 47 entries in the concurrent list. Designed to protect the state's autonomy, Article 370 had instead been used systematically to destroy it.²¹

The best course, according to the Report, is for the President to repeal all orders which are not in conformity with the Constitution (Application to Jammu & Kashmir) Order, 1950 and the terms of the Delhi Agreement of 1952. And the final settlement so arrived at should be made 'inviolable' by making it a 'part of the unamendable basic structure of the Indian Constitution'.²² With regard to the specific provisions, it recommends substituting the word 'temporary' with 'special' in the title of Part XXI of the Constitution of India and also in the heading of Article 370.²³ In accordance with the terms of the Instrument of Accession, Parliament's powers to legislate in respect of Jammu & Kashmir should be restricted to defence, external affairs, communications and related ancillary subjects. Additional subjects of legislation from the union, state and concurrent lists of the Seventh Schedule of the Constitution, which were added after 1950, should be removed. The declaration of a state of emergency would be subject to the concurrence of the state government, which in turn would be contingent on approval by the state assembly. If the assembly does not accord its approval for the measure within two months, the proclamation of emergency shall stand revoked. The original nomenclature of the head of the government (Wazir-i-Azam), and the head of state (Sadar-i-Riyasat) and the mode of appointment of the head of the state, which were amended in 1965, should be restored. The Supreme Court's jurisdiction over Jammu & Kashmir

should be withdrawn and the All-India Civil Services should no longer serve in the state. The state election authorities and not the Election Committee of India should conduct the elections to the Legislative Assembly and these should be held under Article 324 of the Constitution in the manner envisaged by the Orders of 1950 and 1954. Fundamental Rights granted to all citizens of India by the Indian Constitution should *not* apply to the residents of Jammu & Kashmir. Instead a separate chapter on fundamental rights should subsequently be included in the Jammu & Kashmir Constitution.²⁴ The powers of the Union government to administer Scheduled Areas and the welfare of the Scheduled Tribes should revert to the state government.²⁵

The State Autonomy Committee's recommendations offered a sound and viable political strategy to fulfil the popular urges for self-governance. By working towards its electoral promise that the National Conference would secure 'dignified, undiluted and meaningful autonomy' for the state's people, Farooq Abdullah's government had sought to present a feasible alternative to the militants' agenda for achieving political *azadi*.

On the flip side, the entire process of the formation of the State Autonomy Committee and its deliberations was neither inclusive nor participatory. All the members of the committee belonged to the National Conference. The only exception—its Chairman Dr Karan Singh—resigned in July 1997, due to growing political differences with Farooq Abdullah. Public Works Minister Ghulam Moin-ud-Din Shah replaced him, and the former Assembly Speaker, Mirza Abdul Rashid took Shah's place. No critics of the state's autonomy or leaders of the opposition parties were represented. Although the committee invited memoranda from individuals, institutions and political parties, it held no formal talks with the active or former militants, including their political representatives such as the All-Party Hurriyat Conference, the Forum for Peaceful Resolution of J&K and Shabir Shah's Democratic Freedom Party in the Valley. The Report also failed to respond to its detractors. Even after its submission in April 1999 and endorsement of its recommendations by the state cabinet, there has been little public debate, either at the state or at the national level, on this important issue. Nor have any formal negotiations between the state and the central government representatives begun. The National Conference's support for the BJP-led government at the centre did not help its credibility on the issue, given the latter's stand on repealing Article 370 and 'the Hindu

Right's commitment to a single monolithic nationhood'.²⁶ The state BJP President D.K. Kotwal threatened to oppose it resolutely and insisted that 'Farooq is trying to divert attention from his failures. Leave alone autonomy, we will not rest till Article 370 is abrogated. Our central leadership will dare not grant any special status.' Farooq's critics also argued that he had revived the agenda of economy only to cover up his non-performance and to bargain with the centre for more funds and that he was not serious in his commitment to securing the state autonomy.²⁷ The restoration of the state's special status is also opposed by several ethnic groups such as Ladakhi Buddhists, Kashmiri Pandits and an assortment of groups in Jammu. Fear of further marginalization runs deep among these communities.

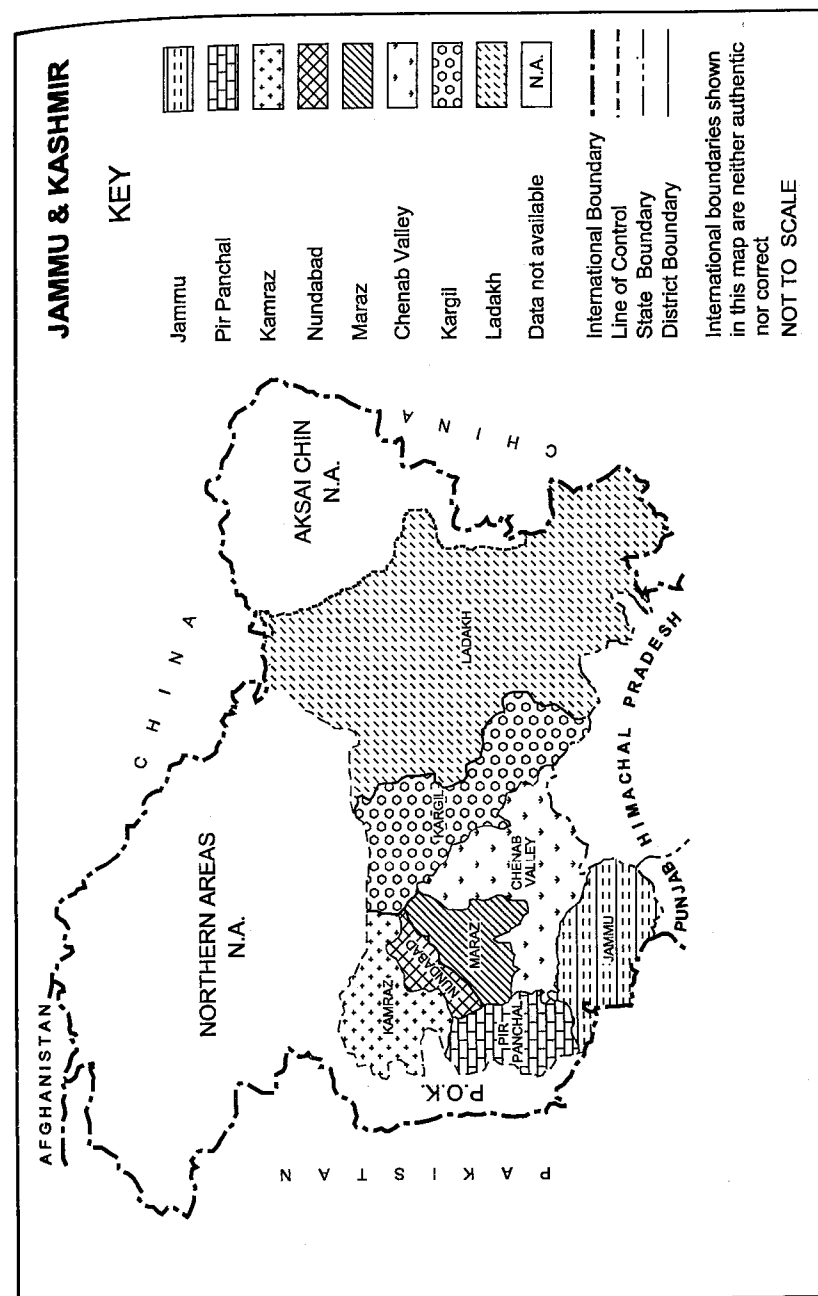
Regional Autonomy

Autonomy from New Delhi will, therefore, be acceptable to different cross-sections of Jammu & Kashmir's society if it is viewed as part of a broader process of devolving power to the people. However, the bona fides of Kashmir's ruling elite are suspect on this count. The Regional Autonomy Committee, entrusted with this task, has been mired in controversy since its inception. This Committee, like the State Autonomy Committee, also lacked representative character because all its members belonged to the National Conference. Its working chairman, Balraj Puri was the only exception, and he was unceremoniously removed in January 1999, barely three months before the submission of its report. The opposition leaders, once again, had no voice in a forum designed to redraw the 'rules of the game' for power sharing within the state. If the objective of the Regional Autonomy Committee was to ensure that the National Conference's demands for greater autonomy for Jammu & Kashmir did not alienate the minorities, it had gone about it the wrong way. Except Pinto Norbu, a Ladakhi Buddhist and Mushtaq Bukhari, a Pahari, the representatives of most prominent minorities including the Kashmiri Pandits, Gujjars, Dogras and the Shia Muslims (of Kargil) did not figure on the panel of the Committee. A careful study of the 75-odd memoranda submitted to the Committee²⁸ shows that it had selectively adopted and endorsed the demands of the National Conference supporters specially from the Rajouri, Poonch and Doda districts of the Jammu region and simply ignored others that did not fit its proposed agenda of restructuring the state along a communal fault line.

The Report recommended that the historic formations of Kashmir Valley, Jammu and Ladakh be broken down into eight new provinces (as shown in Map 7). The Committee's attempts to redefine the geographical, administrative and political parameters of regions within the state clearly went beyond its terms of reference, which said nothing about the creation of new provinces. The Regional Autonomy Committee was asked to 'examine, consistent with the integrity of the state and to promote better involvement and participation of people in different regions for balanced political, economic, educational, social and cultural development, evolving of instrumentalities, like local organs of power, at all levels'. The Committee was also to examine the powers that local organs of power were to be vested with, and 'whether any changes in the state constitution would be needed to bring them about'. According to Balraj Puri, Chief Minister and Chairman of the Committee, Farooq Abdullah had 'categorically ruled out consideration of any demand for re-demarcation of or creation of a region or a district'.²⁹

The Report also failed to provide a logical, cogent and uniform rationale for restructuring the state into eight provinces. On the one hand, it underlined the ethno-cultural, religious and linguistic homogeneity of Kashmir Valley and on the other, it recommended, on historical grounds, its division into three new provinces: Kamraz, made up of Baramulla and Kupwara districts; Nundabad, comprising Budgam and Srinagar districts; and Maraz, made up of Anantnag and Pulwama districts. However, it failed to cite any historical period during which the Valley was divided into three clearly demarcated regions.³⁰ Nor did it explain the reasons for carving them anew. The Report did not even refer to any memoranda submitted to the Committee demanding the re-demarcation of the Valley along these lines. Its recommendations did not take into account the contemporary realities of deep political differences between the Kashmiri Muslims and the Kashmiri Pandits. It simply disregarded the Pandits' demand for Panun Kashmir without offering any alternative strategy or framework for redressing their grievances and securing their social, cultural, economic and political rights. Puri pointed out that the three proposed parts of the regions are the same as were the original three districts of Srinagar, Anantnag and Baramulla and represented three Lok Sabha constituencies. He asks, 'Why were then these three districts broken into six, if they have again to be regrouped into three?'³¹

The Committee rightly questioned the administrative inclusion of Ladakh into the Kashmir region, but instead of rectifying this

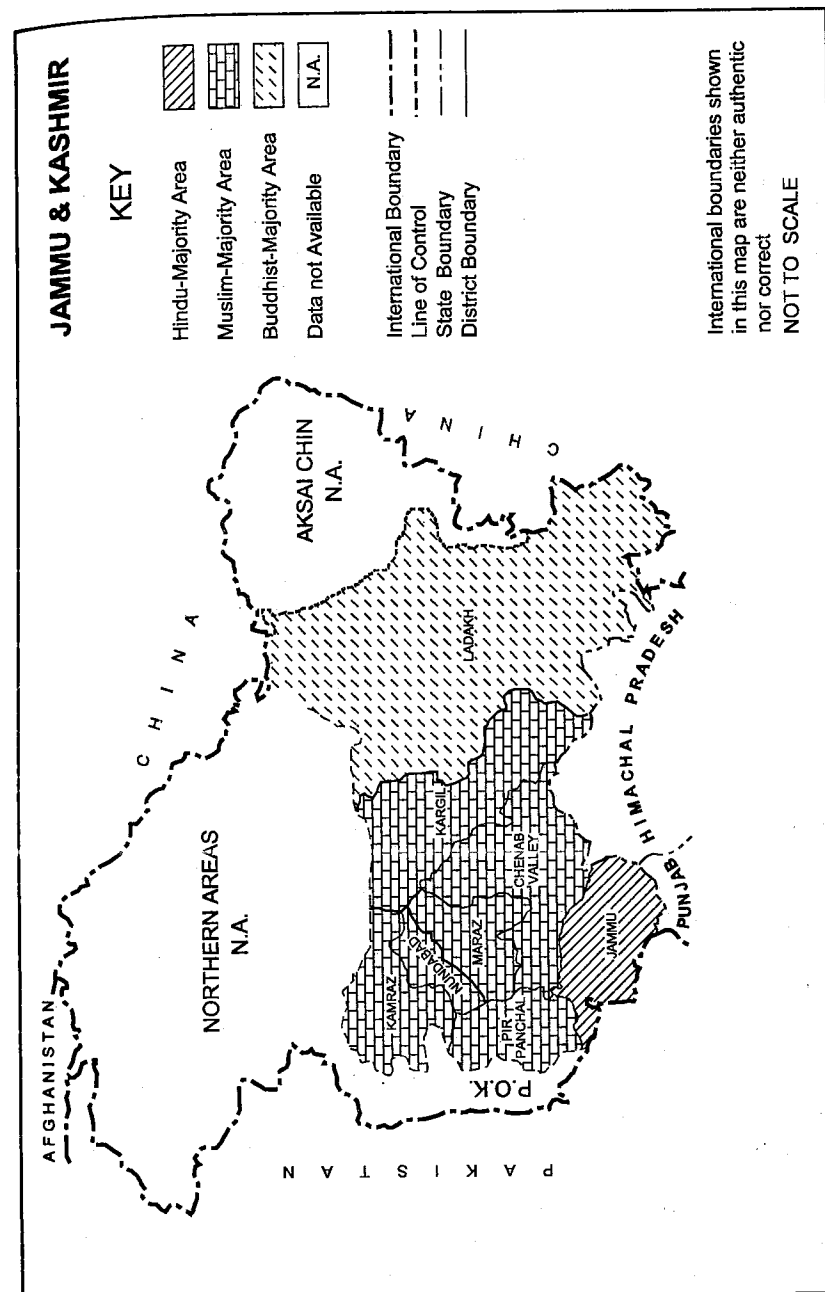


MAP 7 : NEW REGIONS PROPOSED BY THE REGIONAL AUTONOMY COMMITTEE

anomaly by granting independent provincial status to Ladakh, it was subjected to an 'undisguised communal cleaver'.³² It recommended breaking up the mountainous region into two new provinces consisting of just one district each—predominantly Buddhist Leh and predominantly Muslim Kargil. Ladakh had already been sundered by its division into two districts (Leh and Kargil) by Sheikh Abdullah in 1979 and Kargil had been excluded from the Ladakh Autonomous Council set up in 1995. The transfiguration of two districts into two provinces would serve only to sharpen communal and ethnic boundaries.

The communal undercurrents of the Committee's recommendations were further exposed in its proposed restructuring of the Jammu region into three provinces, carved along a Hindu-Muslim divide. The district of Doda and the single Muslim-dominated *tehsil* of Mahore from the adjoining Hindu-majority district of Udhampur would form a new Chenab Valley province. The largely Hindu districts of Jammu, Kathua and Udhampur would make up Jammu province. Poonch and Rajouri districts would form the Pir Panjal province. There was an uncanny resemblance to Sheikh Abdullah's original agenda of 'Greater Kashmir' being resurrected in a different form.³³ A comparison between the present and proposed set-up of regions made the picture clear. Currently, Kashmir Valley is the only Muslim-majority region with a prominent albeit small minority of Kashmiri Pandits; Jammu has a Hindu-majority populace with a substantial Muslim minority; and in Ladakh, the Buddhists outnumber the Muslims. Under the new dispensation, six out of eight provinces (Maraz, Kamraz, Nundabad, Chenab Valley, Pir Panjal and Kargil) would have a Muslim majority, as depicted in Map 8. Apparently, the Committee sought to protect only the 'Muslim interests' to the total exclusion of other ethno-cultural, ethno-linguistic and ethno-religious minorities. While it was ready to lean backwards to accept the Jammu region Muslim-minority's demands for separate provincial status, it did not, as pointed out earlier, even mention the demand of the Hindu-minority in the Valley—Kashmiri Pandits—for Panun Kashmir. Nor did it take notice of the Zaskar Buddhists' long-standing demand for these areas to be brought under Leh's administration. Likewise, it glossed over the fact that while there were 58 per cent Muslims in Doda district, it had a significant Hindu minority and made no provision for safeguarding their political interests.

The recommendations of the Regional Autonomy Committee Report were also full of inconsistencies. Paragraph 32 suggested that



MAP 8 : RELIGIOUS COMPOSITION OF PROPOSED REGIONS

'the prevailing classification of provinces/divisions are hampering the process of social and human development. The Committee was also of the view that this arrangement is coming in the way of democratic participation at the grass-roots level within the state.'³⁴ Yet after making its recommendations, the Report executed a near volte-face just three paragraphs later. Paragraph 35.1 'recommends that the government may consider setting up of District Councils as an alternative to the Regional/Provincial Councils'.³⁵ Such district councils were clearly irreconcilable with the assertions of the earlier paragraph, since they would work within the existing provincial arrangement. The Regional Autonomy Committee Report did not offer any convincing explanation as to why development could not be achieved within the existing district and regional boundaries. There was no serious discussion on how the creation of new provinces would aid development or how the proposed district councils would be different from the existing district development councils. Indeed, the Regional Autonomy Committee only called for changes to be made to the Constitution of Jammu & Kashmir in order to establish the proposed provincial or district councils, without spelling out what they might be. Nor were the powers of the new councils and their specific responsibilities defined.³⁶

The Report was conspicuously silent on fundamental issues such as: Does the model of elected provincial councils provide for a two-tier structure of government? What would be the division of powers between the state legislature and the provincial councils? Would the existing Panchayati Raj institutions and district development councils be scrapped? Would the proposed district councils be modelled on the district institutions provided in the present Panchayati Raj Act? If yes, how did the Committee propose to democratize the processes and functioning of these councils? These questions arose because there was no clarity in the Report whether the existing precedents of hill councils/district councils or Panchayati Raj institutions should serve as a model in terms of constitution, allocation of subjects and executive and financial powers for the proposed provincial councils.³⁷ Moreover, if the powers of the provincial and district councils were to be the same, how did they differ except in terms of their territorial jurisdiction? Finally, the Regional Autonomy Committee passed the buck of preparing a blueprint of the structure, processes and functions of the proposed provincial/district councils to another committee of experts that might be constituted for this purpose.

Meanwhile, Balraj Puri, the Committee's working chairman,

released an alternate report in May-June 1999. Its recommendations focused on strengthening the existing institutions at *panchayat*, block and district levels and sought to remove the state government's powers to nominate the members of the local bodies. One-third of all *panchayat* members, for example, are currently government nominees along with the representatives of the Scheduled Castes and Scheduled Tribes and what the state laws describe as 'the other classes'. The district development council and the block committees have an entirely nominated leadership. Puri recommended the Leh pattern of district autonomy for all the districts, and called for a constitutional amendment making the provision of a *gram sabha* mandatory at the *panchayat* level. The powers to supersede *panchayats* for incompetence or default should also be transferred from the state government to the *gram sabha*. An additional layer of federal governance should be introduced at the regional level through elected regional councils for Jammu, the Valley and Ladakh. The executive, legislative and taxation powers of the regional councils should be limited to the subjects allocated to the regions that may be drawn from the experience of existing autonomous district councils in the North-East. Balraj Puri's Report and the Regional Autonomy Committee's Report both called for constituting an exclusive state finance commission to determine the sharing of resources between the state government and regional councils as well as other local organs of power. They also recommended a series of measures for the promotion of culture and local languages of different ethnic groups. However, the Regional Autonomy Committee Report did not address specific issues such as the demand for inclusion of Dogri language in the Eighth Schedule of the Indian Constitution, or making the Bodhi language compulsory in the schools in Leh district.

The 'strange history of the Regional Autonomy Committee and its equally bizarre recommendations suggest[ed] that the meaningful democratic change... [was] the last thing on the National Conference's mind.'³⁸ While the idea of evolving smaller formations based on cultural bonding was an interesting proposition, the Regional Autonomy Committee Report presented a distorted picture of this principle, designed to serve the narrow political ends of the ruling elite and the larger interests of the majority community. Like that of the State Autonomy Committee, this report was also kept well hidden from the public view. A wide-ranging and across-the-board public debate is being eschewed on the pretext that it has been referred to another committee of experts.

Significantly, the Regional Autonomy Committee Report did not

bear the signatures of nearly half of its members, including those of Working Chairman Balraj Puri and the lone minority community's member, Pinto Norbu. In effect, three National Conference MLAs, all Muslims, with the blessings of the Chief Minister, Farooq Abdullah, became the custodians of public wisdom and popular will and assumed the responsibility of shaping the political future of all the minority communities in the state. It is important, therefore, to understand that not only the recommendations of the Regional Autonomy Committee, but the entire process of its deliberations and the mechanism for undertaking this stupendous task was seriously flawed.

Interestingly, the political parties, ethnic groups and minorities in the state have also maintained a sphinx-like silence on the issue of regional autonomy. The Paharis seem to have quietly dropped the demand for Autonomous Hill Council in favour of a separate provincial status—Pir Panjal—as recommended by the Regional Autonomy Committee. The Gujjars who earlier criticized the National Conference's attempts to sever the Rajouri and Poonch districts from the Jammu region, have little to say on the Committee's recommendations. The BJP, a vociferous critic of the state autonomy proposals has also remained tight-lipped. With somewhat fluid ethnic boundaries of these groups, the whole debate seems to be turning into a Hindu-Muslim question in the Jammu region. The 1999 election results also pointed in that direction. With the secular Muslim vote divided between the National Conference, Congress and People's Democratic Party, the Hindu votes seem to have consolidated around the BJP, winning it both seats in the Jammu region. In Ladakh too, elections were fought on communal lines between Buddhist Leh and Muslim Kargil. The National Conference candidate from Kargil, Ghulam Hassan, won the seat. Almost, as if to a plan, the state of Jammu & Kashmir is witnessing the consolidation of a communal divide into new geographical units along a Hindu-Muslim fault line with dangerous implications for its political future.

TACKLING MILITANCY

When Farooq Abdullah came to power, the security forces had got an edge over the militants. Militants' violence which had peaked in 1994, was on a continuous decline thereafter.³⁹ They were finding it nearly impossible to recruit young Kashmiris from the Valley, forcing their patron—Pakistan—to increasingly fall back upon the foreign

mercenaries. In a desperate attempt to keep the pot boiling, Pakistan decided to up the ante and in early 1999, the Pakistani regulars, under the cover of the Kashmiri militants, crossed the Line of Control and occupied the dominating mountain peaks in Mushkoh Valley, Dras, Kargil and Batalik sectors in Ladakh. Pakistan's master plan was apparently to interdict the Dras-Kargil highway, sever Leh from Srinagar, trap the Indian forces on the Siachen Glacier, raise the banner of militants' revolt in the Valley and question the sanctity of the Line of Control, possibly alter it on the ground, and bring the Kashmir issue back to the forefront of the international agenda in an emphatic way. In order to understand Pakistan's changing Kashmir strategy and its impact on the local militancy, it is important to examine the Kargil crisis in detail.

Kargil Crisis

The Pakistan Army's initial moves in Kargil were tactically brilliant. The selection of the area, the timing of the intrusion, the extent of area taken and the preparedness of intruding groups indicated detailed planning.⁴⁰ Kargil is the only sector on the Line of Control where the Pakistan Army has the advantage of higher positions. Its military planners had exposed the Achilles heel of the Indian Army by catching it napping in a strategically important area. They had struck when India's political leadership was in a 'state of suspended animation' and the country was led by a Prime Minister who had lost the support of parliament.⁴¹ In all probability, Pakistan's strategy was based on the following assumptions. The first was that once the Pakistan Army had captured the high ridges, the Indian Army would find it impossible to dislodge it and would acquiesce to this capture just as Pakistan did to the seizure of Siachen Glacier in 1984. The onus of preventing escalation while at the same time not losing territory or strategically advantageous positions would rest with India. Second, the US and other Western powers would adopt an 'even-handed approach' and refrain from passing judgement on the rights and wrongs of the conflict. Pakistan could, of course, claim, as its Foreign Minister Sartaj Aziz argued, that it was primarily the 'Kashmiri freedom fighters' struggle' and that the Line of Control was not demarcated on the ground. Third, there was a belief that nuclear capability provided a protective shield that would deter a significant Indian response. In other words, if India raised the threshold of confrontation by escalating it to an all-out conventional

war the possibility existed that it could turn nuclear and the world powers would then have to intervene to force a settlement of the Kashmir dispute, thus, internationalizing the Kashmir issue.⁴²

All of these assumptions soon proved to be grave miscalculations, because the tactical military gains in Kargil had no clear political game plan. Several Pakistani analysts argued that, politically and strategically, it was an ill-conceived and fundamentally flawed strategy and its political objectives were not clearly thought through.⁴³ Vajpayee's government immediately unleashed the air force to bombard the enemy posts in Kargil and signalled that 'all possible steps' would be taken to throw out the intruders. An ill-equipped and poorly prepared army suffered massive casualties in the initial phase. Indian military strategy evolved from containing the intruders to massing troops not just in Kargil, but all across the 3,500 km border with Pakistan. The message was clear: 'Not only was India preparing to strike hard in Kargil, but if needed it could open other fronts and was willing to risk even a full-fledged war.'⁴⁴ On the ground, the Indian military victories in regaining control of the Tololing heights followed by the strategically important Tiger Hill in the Dras sector and Jubar Hill in the Batalik sector negated Pakistan's military assumption that their positions were impregnable.

The Vajpayee government's restrained approach, at a time when military and political logic dictated that it should cross the Line of Control, won overwhelming international approval. The G-8 held Pakistan, without naming it, responsible for 'the military confrontation in Kashmir', describing 'the military action to change the status quo as irresponsible' and asked Pakistan to withdraw its forces north of the Line of Control. It called Pakistan's nuclear bluff by refusing either to intervene in the Kashmir—as distinct from Kargil—dispute and refusing to put any pressure on India to stop the fighting.⁴⁵ The European Union publicly called for 'the immediate withdrawal of infiltrators'.⁴⁶ The US also publicly depicted Pakistan as the 'instigator' with the administration's spokesperson declaring that it was for 'Pakistan to figure out how to restore the status quo ante'. President Clinton underlined the point that 'no progress was possible until Pakistan pulled out its forces from the Indian zone of Kashmir'.⁴⁷ China's response suggested guarded neutrality, urging both Islamabad and New Delhi to defuse the situation. Pakistan's diplomatic isolation was complete. That and the veiled threat of a cut-off of IMF aid—the lifeline of Pakistan's economy—forced Sharif to back down.⁴⁸

In an emergency meeting sought with President Clinton on 4 July 1999, Sharif promised to take 'concrete steps' to restore the sanctity of the Line of Control in accordance with the Shimla Agreement, and agreed that the bilateral Shimla-Lahore process was the 'best forum' to resolve all disputes including Kashmir—in that sequence. The cessation of hostilities came after the Indian and Pakistani Directors General of Military Operations (DGMOs) met face-to-face on 11 July 1999 and agreed on the modalities of disengagement. The agreement was backed by a formal appeal, by the Defence Committee of the Cabinet, Pakistan's highest decision-making body on security matters, to the 'mujahedin' to de-escalate the situation by withdrawing from Kargil. To this end, Nawaz Sharif along with his Army Chief, General Pervez Musharraf, also met the leaders of the United Jihad Council, an umbrella organization representing 15 militant groups.

The Kargil crisis had a paradoxical impact on the secessionist movement in the Valley. On one hand, a tame Pakistani withdrawal after supporting a protracted operation evidently designed to inject life into the insurgency had a profoundly demoralizing effect on the rank and file of the militant groups. The Kashmiri perception of 'their protector buckling under international pressure without securing any reciprocal obligations to safeguard the Kashmiri interests'⁴⁹ confirmed their worst fears that Pakistan did not have the wherewithal nor the political will to take on India on the Kashmir issue. An APHC leader's remark, 'first we were excluded, then betrayed', spoke volumes.

Changing Character of Militancy

Kargil also exposed the changing character of the Kashmiri movement. With the exception of the Hizbul Mujahideen, the cadre of all militant groups such as Tehrik-e-Jihad, Al Badr, Harkat-ul-Mujahideen, Lashkar-i-Toiba and Harkat-e-Jehad involved in this operation consisted mainly of Pakistanis and Afghans.⁵⁰ For the first time, the international community, and specially the US showed empathy for India's concerns that the Pakistani military was attempting to export to Kashmir the same type of rigid Islamic orthodoxy imposed on Afghanistan by the Pakistan-backed Taliban militia in Afghanistan. 'We do not want talibanization of Kashmir,' said Naresh Chandra, India's ambassador to the USA, 'but if you use these guys as guest terrorists of the Pakistani Army, what would be

the consequences?⁵¹ It also gave rise to apprehensions about the growing influence of the 'jihadi forces' in the higher echelons of the Pakistan Army and the ISI. A senior official of the US State Department said, 'Mohammad Aziz, Chief of the General Staff and General Pervez Musharraf, Chief of the Army Staff, have spent their careers supporting one mujahedin movement or another. Their appointments to the top posts raise serious questions about the long-term direction of the Pakistani state.'⁵² The Pakistani argument that a bitterly fought war-of-position in the inhospitable terrain of Kargil was part of the 'Kashmiri liberation struggle' failed to carry conviction in world capitals. Western diplomats questioned Pakistan's claim that it was Kashmiri mujahedin and not Pakistani regulars who had crossed the Line of Control. Pakistan's volte-face in the Agreement with Clinton, the DGMOs' agreement and Sharif's personal meeting with the leaders of the United Jihad Council followed by a prompt withdrawal from Kargil completely contradicted Pakistan's earlier stand that it had no control over the mujahedin.⁵³ Finally, it is important to note that the mainly Shia population of Kargil as well as the predominantly Sunni population of Dras, had at no point during the last decade participated in the Kashmiri secessionist movement. Even in the Valley, barring some APHC-sponsored strikes in Srinagar, there were no popular protests, no mass demonstrations expressing solidarity with the militants or with Pakistan.

On the other hand, the counter-insurgency grid was considerably weakened when 50-odd battalions of the army shifted to Kargil.⁵⁴ The vacuum created gave the foreign militants an excellent opportunity to infiltrate in large numbers. The intelligence reports of the Border Security Force (BSF), Special Operations Group of the state police and the Rashtriya Rifles revealed that over 1,550 militants, the bulk of them foreign mercenaries, had infiltrated into the Valley between May and July, largely in Sawbjan, Loran and Mandi areas of Poonch and through the Shamshabari range of north Kashmir covering Kupwara, Bandipore, Sopore and Baramulla. Heavily armed, their firepower consisted of rocket launchers, universal machine guns (UMGs) and shoulder-held Stinger missiles.⁵⁵

The insurgent attacks became more lethal in number and intensity. The first incident that marked the shift was the attack on the BSF camp at Bandipore on 31 July 1999—the first militant attack in Jammu & Kashmir directed against a major security force base. Till the end of January 2000, there had been another 12 attacks on heavily guarded security forces establishments including the 15 Corps army headquarters at Badamibagh, the army divisional headquarters at

Baramulla and the Jammu & Kashmir Special Operations Group (SOG) headquarters at Srinagar. They also included two attacks on the state Secretariat, the centre of government, in Srinagar. This indicated the adoption of a high risk strategy by Pakistan and the induction into Jammu & Kashmir of increasing firepower and a new generation of militants with greater experience and better training.⁵⁶ The militants also changed their tactics from clandestine terrorist assaults to open confrontation with the security forces, engaging them in fierce gun battles.

Gaps in the Government's Strategy

The state and the central government continued to grapple with the task of devising an effective politico-military strategy to deal with the militants. On coming to power, Farooq Abdullah had realized the importance of projecting and strengthening the civilian arm of the security forces—the state police—in spearheading the counter-insurgency campaign but he failed to deliver.⁵⁷ When he sought to restructure the Unified Command and asked the Director-General of Police to head it, the army refused to take orders from the police. Farooq backed off and the two corps commanders appointed as ex-officio security advisers to the state government then assumed charge of the Unified Command.

The lack of coordination between the civilian and military arms of administration on one hand and different organizations of security forces—army, police, BSF, CRPF and Rashtriya Rifles—on the other, also continued to plague the security operations. In the aftermath of Kargil, Director-General Rashtriya Rifles Avatar Singh Gill, who took charge of the army's internal security operations, demanded that paramilitary organizations such as the BSF and the CRPF be placed under his operational command. But the move sparked disputes within the security establishment. BSF Director-General E.N. Ram Mohan contended that this would disrupt the functional relationships among the security forces in the state, leading to an escalation of internecine feuds and rivalries. He argued that the Rashtriya Rifles, which is strictly speaking not part of the army, was in effect a Central Police Organization (CPO), just like the BSF and the CRPF. While BSF units deployed on the border were under the operational command of army, the application of the same structure in the matters of internal security would be inappropriate.⁵⁸ Before long, the entire experiment was terminated for no evident reason. With the creation of 14 Corps to guard the stretch from Zoji La to the

Siachin Glacier, Lieutenant General Krishan Pal took renewed charge of anti-militant operations in September 1999.

The army with the Union government's support had since then been demanding overall control of the counter-insurgency operations.⁵⁹ Accordingly, the Union Home Minister L.K. Advani announced a new 'offensive strategy' whereby the Unified Headquarters was to be extended down to the divisional and district levels. This was meant to help the army units liaise with the state police, the BSF, the CRPF and the state administration. But such coordination already existed on an informal basis and there was reason to believe that the new structure could create more problems than it might resolve. Past experience had shown that the concept of Unified Headquarters never worked effectively. Indeed the divisional and district headquarters could very well replicate the power struggles in the existing twin Unified Headquarters in Jammu and the Valley.⁶⁰ The BJP government has failed to grasp, like its predecessors, that using army and paramilitary deployment in massive strength would only help hold the ground but not to eliminate militancy. There seems to have been no candid or realistic assessment of post-1996 counter-insurgency doctrine and tactics.

Within the state, the critical political support of the ruling National Conference for its own police force was found wanting. The abrupt removal of Inspector General of Police, P.S. Gill, a key architect of the Special Operations Group, in November 1999 at the behest of the National Conference politicians on the grounds that his ruthlessness was giving the party a bad name, left the SOG officers demoralized.⁶¹ The ministers had also become wary of condemning militant attacks. For instance, the National Conference minister Mushtaq Lone visited Panjipora village in October 1999 to give solace to residents whose homes were destroyed in the course of an encounter with militants but he did not visit the BSF battalion headquarters to meet the troops who had seen six of their colleagues killed in the same encounter. These were small incidents but, observed as a pattern, they showed the government and the security forces to be on the defensive which was indeed worrisome.

CONCLUDING REMARKS

Jammu & Kashmir state, once again, seems to be sliding back into disarray. Farooq Abdullah's government and, to a certain extent, the BJP government at the centre have failed to capitalize on the window

of opportunity that had opened after the state assembly elections in October 1996. While three years may be a too short a period to pass a verdict, it is a matter of serious concern that the state government does not appear to be taking any meaningful steps in the right direction. There is no political direction, no clarity of purpose, nor a well-thought out strategy to put the ravaged and violence-torn state back on the rails. Short-term gains and narrow political interests of political parties and ad hoc policies of the state administration seem to be dictating state policies. It is difficult to predict the future in a constantly evolving situation but the warning signals could not be clearer. The window of opportunity still exists but unless the state and the central governments get their act together, it may be too late to recover lost ground.

NOTES

1. Ramesh Vinayak and Harinder Baweja, 'Faltering Farooq', *India Today*, 7 February 2000, p. 25.
2. *Ibid.*, p. 24.
3. Interviews with several army and BSF officials and the former militants in August-September 1997.
4. Interviews with Babar Badr and Javed Shah, two militants who surrendered and subsequently became members of the Legislative Council in the National Conference government. Javed Shah pointed out other discrepancies. While the militants received Rs 1,800 on surrender, the SPOs who continuously risked their lives for the state got only Rs 1,500 per month.
5. Praveen Swami, 'A Beleaguered Force', *Frontline*, 12 February 1999, pp. 41-2.
6. Interviews with senior army officials in August-September 1997.
7. Interview with leader of the opposition in the Legislative Assembly, Ms Mehbooba Mufti in August 1997.
8. Harinder Baweja and Suresh Nandi, 'J&K: A Sinister Strike', *India Today*, 9 February 1999, p. 54-6.
9. Interview with Farooq Abdullah, *India Today*, 27 October 1997.
10. Harinder Baweja, 'J&K: Point of No Return', *India Today*, 18 May 1998, p. 47.
11. Ramesh Vinayak and Harinder Baweja, *op. cit.*, p. 26.
12. In 1998, 30 per cent of the Srinagar electorate voted in the Lok Sabha election; this figure was down to 11.9 per cent in 1999. A comparison of the percentage of votes polled in the three parliamentary constituencies in the Kashmir Valley—Srinagar, Anantnag and Baramulla—in the general elections in 1996 and 1999 is illustrative. The polling percentage was 35 in Srinagar, 50 in Anantnag and 41 in Baramulla in 1996, it dropped to 12, 12 and 28 respectively in the 1999 elections. Among the Muslim-majority segments in the Jammu region, the polling during the recent elections was 7 in Banihal, 21 in Surankote, 23 in Inderwal, 24 in Kishtwar and 26 in Mendhar. In the Assembly elections of 1996, the

- respective figures were 52.26, 74.26, 62.54, 69.46 and 66.79. Balraj Puri, 'Alienation and the Revival of Militancy', *Frontline*, 4 February 2000, p. 24.
13. Interview with Farooq Abdullah, *India Today*, 31 October 1996, p. 73.
 14. Interviews with Babar Badr, Imran Rahi and Bilal Lodhi of the Forum for Peaceful Resolution of J&K and Shabir Shah in August 1997.
 15. Amit Baruah, 'Hurriyat Stand a Blow to Pakistan', *The Hindu*, 28 August 1999.
 16. *Frontline*, 24 September 1999, pp. 30-2.
 17. Praveen Swami, 'Massacres and Migration', *Frontline*, 2 May 1997, p. 39.
 18. It began with the massacre on 19 April 1998 at Frankote village in Reasi which claimed 28 lives. At Chapnari near Doda town, 25 members of a wedding procession were killed on 19 June. Thakrainhor and Sarwan in Kishtwar district witnessed the murder of 27 Hindus on 27 June followed by gunning down of 34 road construction workers at two outposts just across Doda's border with Chamba district in Himachal Pradesh on 5 August 1998.
 19. Praveen Swami, 'Massacres and Cold Facts', *Frontline*, 13 August 1999, pp. 25-6.
 20. See Appendices VIII and IX.
 21. Parliament had to move four amendments to the Constitution to provide for the imposition (and extension) of President's Rule in Punjab from May 1987 until February 1992. In the case of Jammu & Kashmir, it merely required executive orders to be issued under Article 370. Praveen Swami, 'Towards Greater Autonomy', *Frontline*, 30 July 1999, p. 39.
 22. *State Autonomy Committee Report*, pp. 111-12. For a summary of its recommendations, see Appendix X.
 23. The term exists because of a provision in Clause (3) of Article 370, authored when the constituent assembly of Jammu & Kashmir had not been convened. The changes would reflect the fact that Article 370 has been an integral special feature of the Constitution since November 1956, when the Jammu & Kashmir constituent assembly ceased to exist. Swami in *Frontline*, 30 July 1999, p. 38.
 24. The state's constitution currently contains Directive Principles, but no fundamental rights.
 25. Its other recommendations include restoring the powers of the state legislature to make changes to the Jammu & Kashmir constitution in matters relating to the appointment, powers and privileges of the Governor as well as the control of elections by the Election Committee of India and related matters. The removal of a sitting judge of the high court for proven misconduct or incapacity would also take place on the basis of proceedings in each house of the state legislature, not in Parliament.
 26. Swami in *Frontline*, 30 July 1999, p. 40.
 27. Interview with Ved Bhasin, Editor *Kashmir Times*, in January 2000. Opposition leaders like Mehbooba Mufti and Yusuf Tarigami (then a part of the National Conference government) had also expressed similar views to the author in August 1997.
 28. For a select list of the memoranda submitted to the Regional Autonomy Committee, see Appendix XI.
 29. Balraj Puri, *Jammu & Kashmir: Regional Autonomy (A Report)*, Jammu: Jay Kay Book House, 1999, p. xi.
 30. Historically, the Report says that Kashmir was divided in two regions: Maraj and Kamraj. Akbar divided Kashmir into four regions, viz., Maraj, Kamraj, Central Kashmir and External Kashmir. External Kashmir comprised the outer

- mountainous region including Banihal, Kishtwar, Rajouri and Poonch. This region also included Gilgit, Askardu and Ladakh. The Dogra rulers had divided Kashmir for administrative purposes, in six, later reduced to four, regions called Wazarats. These were Wazarat-i-Shahr-e-Khas, Wazarat-i-Anantnag, Wazarat-i-Kamraj and Wazarat-i-Muzaffarabad. See *Regional Autonomy Committee Report*, Jammu, 13 April 1999, p. 5. For excerpts of the Committee's Report, see Appendix XIII.
31. Puri, op. cit., pp. xiii-xiv.
 32. Swami in *Frontline*, 30 July 1999, p. 40.
 33. Sheikh Abdullah's concept of 'Greater Kashmir' has been discussed in Chapter 6.
 34. *Regional Autonomy Committee Report*, op. cit., p. 15.
 35. Ibid., pp. 15-7.
 36. Swami in *Frontline*, 30 July 1999, p. 41.
 37. Clause 33 states that 'some guidelines regarding the constitution, election and the subjects to be allocated to these Councils may be provided by District and Hill Councils established elsewhere in the country'. Clause 34.3 says the 'Regional/Provincial Councils shall enjoy the executive and taxation powers. . . . In this behalf the experiences of District Councils established elsewhere in the country could provide some guidance,' and Clause 34.4 stated that 'this Committee is of the view that patterns of financial autonomy of Panchayati Raj institutions as prevailing in Karnataka, West Bengal and Kerala be further studied and a model for the financial autonomy of the Regional/Provincial Councils may be evolved'. *Regional Autonomy Committee Report*, op. cit., pp. 16-17.
 38. Swami in *Frontline*, 30 July 1999, p. 42.
 39. The trend in the total number of incidents related to militants violence was 5,163 in 1990; 5,606 in 1991; 7,315 in 1992; 7,987 in 1993; 8,784 in 1994; 8,731 in 1995; 6,633 in 1996. They further reduced to 4,702 in 1997 and 4,150 in 1998. This downward trend was marginally reversed in 1999 with 4,326 incidents of militant violence. Source: Jammu & Kashmir Police as cited by K.P.S. Gill, 'Tackling Terrorism in Kashmir: Some Lessons From Recent History', a paper presented at a seminar on 'Terrorism: An Unending Malaise', organized by Indian Council of Social Science Research, on 2-3 March 2000.
 40. V.R. Raghvan, 'A Turning Point in Kashmir', *Frontline*, 18 June 1999, pp. 16-17.
 41. Raj Chengappa, Zahid Hussain and Sujatha Shenoy, 'Face-Saving Retreat', *India Today*, 19 July 1999, p. 21.
 42. Prem Shankar Jha, 'The Pakistan Enigma', *Outlook*, 12 July 1999, p. 13.
 43. Ayaz Amir, 'A Fiasco in the Making', *The Dawn*, 26 June 1999; Maleeha Lodhi, 'Anatomy of a Debacle', *Newsline*, July 1999, pp. 31-6.
 44. Chengappa et al., op. cit., p. 24.
 45. Jha in *Outlook*, 12 July 1999, p. 13.
 46. Lodhi, op. cit., p. 32.
 47. Ibid.
 48. In June 1999, the powerful House Relations Committee had approved a resolution by an overwhelming 22-5 vote, calling for 'the withdrawal of Pakistani forces' and urging the administration to consider opposing loans to Islamabad from the international financial institutions. Hassan Ali Shahzad, 'Clueless in Washington', *Newsline*, July 1999, p. 23.
 49. Lodhi, op. cit., p. 35.

50. Zaffar Abbas, 'War?', *The Herald*, July 1999, p. 31.
51. Sukumar Muralidharan, 'Missions and Concerns', *Frontline*, 16 July 1999, p. 11.
52. Ibid. Also see Zaigham Khan, 'Inside the Mind of the Holy Warrior', *The Herald*, July 1999, pp. 42-3; and Lodhi, op. cit., p. 36.
53. On 20 June Nawaz Sharif had told foreign correspondents that the 'Kashmiri mujahideen did not start the freedom movement on my orders and they will not stop on my instructions. I am not supposed to know in advance what they plan to do for their cause.' Naziha Ghazali, 'Down from the Peaks', *Newsline*, July 1999, p. 28.
54. Murali Krishnan, 'It's Overt Combat Now', *Outlook*, 23 August 1999, p. 22. It was reported that currently there are 40 BSF battalions (about 28,000 men) in the Valley with Srinagar having the largest concentration of 13 battalions. There are also 21 battalions of the Rashtriya Rifles and another 29 battalions of the CRPF and the ITBP, all involved in the counter-insurgency operations.
55. Ibid. Earlier intelligence reports had indicated that militants would now resort to increasingly desperate measures such as sabotaging roads, creating communal tensions, planting improvised explosive devices, targeting Army convoys and striking at political leaders in the run-up to the elections. Murali Krishnan, 'Next Front in Kashmir', *Outlook*, 26 July 1999, p. 30.
56. K.P.S. Gill, op. cit., p. 1.
57. Farooq Abdullah in an interview had stated that 'it is Farooq Abdullah, not the army who is commander-in-chief of the place'. *India Today*, 31 October 1996, p. 73. Due to several organizational factors, the police are better placed than the army and the paramilitary forces to fight this battle. For an excellent argument on this point, see K.P.S. Gill, *ibid.*, pp. 9-11.
58. Praveen Swami, 'Changing Strategies', *Frontline*, 10 September 1999, pp. 36-7.
59. This is based on an internal document of the army entitled 'Management of Internal Conflict', prepared by the Army Training Command at Shimla in 1998. For a report on this document, see Swami's report. Ibid.
60. Praveen Swami, 'An Offensive Strategy', *Frontline*, 18 February 2000, p. 23.
61. Praveen Swami, 'A Growing Toll', *Frontline*, 26 November 1999, pp. 39-41.

CHAPTER 10

Thoughts for the Future

Kashmir has moved a long way from enjoying the pride of place in newly independent India to challenging Indian nationalism, sovereignty and territorial integrity in the 1990s. The violent secessionist movement ravaged Jammu & Kashmir state. With the Pandit community banished from the Valley, the Kashmiri Muslims remain divided between seeking independence, or joining Pakistan. Their demand for the right to self-determination has little appeal among the people of Jammu and Ladakh. In Ladakh, the Buddhists of Leh are pitted against the Kargil Muslims and in Leh, the Buddhists' social boycott of Muslims ruptured their centuries-old ties while in Zaskar, Buddhists remain at odds with Kargil's Muslim-majority populace. In Jammu, the Gujjar versus Pahari issue has acquired political overtones. The entire state of Jammu & Kashmir is divided in multi-layered cleavages along regional, ethnic, linguistic, cultural and religious alignments.

The Kashmir conflict, in all its manifestations, can be contextualized within a number of discourses such as the 'Indian nationalist discourse', 'the Pakistani nationalist discourse' and the 'self-determination and autonomy discourse'. Each of these articulate a specific range of issues, a particular way of raising questions, a particular set of questions, as well as a particular kind and set of solutions. While being sensitive to the 'self-determination and autonomy discourse', though not representing it, our analysis has sought to question the traditional 'nationalist discourse'.

I have argued that the root cause of the alienation and suffering among the ethnic communities lies in the organization of the nation state. The modern nation state allows recognition of a single, presumably unified, nation. This principle applied to a plural society

governed through electoral democracy is inherently problematic because the 'single nation' tends to be identified with the dominant majority. With the state being the sole repository of political power, which is exercised by the 'majority', the minority communities tend to feel alienated and marginalized. Even otherwise, majority rule represents the *maximum number* of people, and *not all* of them. Those left out seek to construct their own identity and create alternative spaces within or without the state boundaries.

The pressure on nations and nation states is not only from below—ethno-national movements—but also from above; the forces of globalization which are reducing the influence of 'sovereign nation states' and impelling them to become attuned to operate in a borderless world. Thus, many nation states are forced to respond to contradictory tendencies. On one hand, they need to federalize and become less oligarchic, on the other they need to strengthen their presence by asserting their sovereignty. These contradictory tendencies have far-reaching implications for the future of the nation state. Would it survive the next millennium? It is difficult to predict. It may well be strengthened or perhaps lead to a different system of territorial arrangement in which each ethnic community has its own self-contained autonomous territory, or it may result in a different system of governance and networks. It is not my task here to theorize an alternative conceptualization of the nation state. I shall focus on rethinking the ideology, rationale and form of state better suited to social ground realities and inspired by local knowledge systems. We need to evolve a post-nationalist philosophy that shifts away from the management of a 'diversity approach' to a more positive recognition of local specificities. On the other hand, it is imperative to devise institutional mechanisms within the purview of both state and civil society, reflecting and representing the diversities of a plural society. My arguments are, thus, framed within what may be called an 'Indian federalist discourse'.

The concept of the nation state with all its homogenizing ramifications cannot encompass the Indian diversity, underscored by the 'absence of [the] well-defined lowest common denominator of cultural identity as it exists in more massified, individuated societies in the West'.¹ Each individual, community and 'nationality' in India has a 'plural self' that simply cannot be embodied and represented by the single category or frame of the nation state. Notwithstanding his passion for the ideals of Western modernity, Jawaharlal Nehru had realized that the European model of a unified and homogeneous

nation could not be replicated in a diverse Indian society, replete with a multitude of linguistic, ethnic, religious and cultural sub-nationalities. That is why he devised the philosophy of forging 'unity in diversity'. But Nehru's hope that the forces of modernization would gradually sweep away the primordial loyalties of individuals and communities has been shattered by the live dynamics of the Indian political forces which instead strengthened and exploited such loyalties for every kind of political mobilization.² However, we need to question not the practice and the politics of the modern Indian nation state, but its very logic. Once we accept the premise of 'a one state, one nation' principle, it is difficult to join issue with the operatives of its logic, which acquires its own political dynamism. We need to go beyond modernity and evolve indigenous concepts and tools, best suited to Indian social realities.

From this standpoint, the relationships between an individual and the state, and between communities or sub-national identities and the state need to be redefined. Instead of debating whether an individual is an 'Indian first, Hindu and Muslim second', or an 'Indian only', the very need for improvising a definitive exposition of 'Who is an Indian?' may be questioned. As long as an individual carries out the obligations and duties of being a citizen of the Indian State, she/he should be free to contextualize her/his identity in a sociological framework. This is the nub of the problem. The modern nation state is not only the sole repository of political power, but has also increasingly encroached upon the social spaces and appropriated the role of indigenous social institutions which had maintained a diverse social order. It has acted as a catalyst for politicization of the communal identities of social groups for electoral and larger political ends. What is, therefore, needed is to recreate such social spaces and breathe fresh life into the social instrumentalities that would give expression to the pluralities of individuals and communities.

This could be done in two ways. One is to revive the culturally rooted albeit 'pre-modern' traditions, codes and norms of inter-community relations and to reinforce the role of community ties and community leadership in maintaining social order. Such social practices and customary laws bypass the state sector and place the initiative of managing social relations between individuals and social groups and among social groups in the social institutions. This is based on the awareness that 'large parts of the Indian society still do not use the language of the Indian State and have access to the idiom of secular politics, neither can they separate their ethnic, religious

and political selves nor do they feel morally obligated to do so'.³ Notwithstanding the modernist trends of exclusionary ideologies and hardening group boundaries, several communities still retain their plural identities. For instance, castes such as Jats and Rajputs come in three varieties—Hindus, Muslims and Sikhs. They do not intermarry and inter-dining is limited, but they do retain highly nuanced, complex relationships amongst themselves, preserving their separate religious identities and a common Jat identity. Other communities such as the Meos have developed a bicultural identity. They 'continue to live a rich Islamic life within a cultural frame which today will be called "Hindu" by modern South Asians'.⁴ These communities are not exceptions. In fact, nearly 600 communities or roughly 15 per cent of all Indian communities, documented by K. Suresh Singh's mammoth survey of communities of India, see themselves as having more than one religious identity—of simultaneously being Hindu and Buddhist, Hindu and Muslim or Hindu and Christian.⁵ Singh estimates that this figure must have been higher in earlier times. However, whether the pre-modern values, systems, norms and traditions will make sense to the modern South Asian and be as effective in giving expression to her/his plural self remains an open question. Second, resurrecting the caste system with its hierarchical social order, for instance, may prove to be counter-productive and detrimental to the cause of creating an egalitarian and democratic society.⁶

Alternatively, a post-modernist approach seeks to reinvigorate the social domain through the new social movements—a term that gained currency among theorists sympathetic to the peace, feminist, ecology and local autonomy movements.⁷ These have created new publics, new associations and new institutions to give voice to the subalterns, to the people who have been bypassed or marginalized by the modernized sectors of the state. The people's movements and small-scale grass-roots experiments for alleviating poverty, preserving the environment, attaining social justice and the like, are mobilizing people for social change in one form or another. These have a varied mix of activities, ideologies, operational methodologies and scale, but they all seek to empower the people at different levels. Such movements perform multiple functions—political, economic, social and cultural—and are interested in creating a space which would allow a democratic society to emerge.⁸ This approach also seeks to create an alternative discourse where several narratives of diverse communities, each with its own cultural mythology, social

memories and customary laws can coexist. The post-modernists underline the importance of these 'little traditions' which cannot be amalgamated into the single overarching category of nation state.

India's nation-building project that sought to create a pan-Indian identity has gone awry. Diversity is now viewed as a threat to the nation. Such thinking and mindsets militate against the social ground realities and lie at the root of various secessionist movements by sub-national group identities. The basic notion of the sub-national identities' allegiance to the national identity needs to be questioned (if not dismissed), because it casts them in an inherently conflictual mould of a dominant-subordinate relationship. An alternative may lie in devising a complex and multi-layered matrix where all sub-national identities coexist and together make up the Indian identity.

Accordingly, the Indian State needs to develop a more loose, more confederate character and become a 'federation of federations'. A true version of the decentralized polity calls for entirely new ways of thinking about the whole edifice of governance. It calls for restructuring the state and the political system through which it is supposed to be institutionalized; the socio-economic structure within which it operates (but which it is also supposed to transform); and the cultural diversity and identities that it encompasses. Decentralization has to be conceived as providing a total model of social, economic, political and cultural arrangements, as a conception of organizing civic life, and as a philosophy that moulds the lives of the people.

The Indian federation, modelled after the 1935 Act of the British colonial state, was created from above, and the states were made to subscribe to it. The relationship between the 'dominant' centre and the 'subordinate' states as outlined in the Constitution is fast becoming an anachronism. Our Constitution-makers' assumption that a strong centre would protect the Indian nation has been belied. On the contrary, a top-down political system and unbridled use of central authority constantly encroaching upon the constitutional and political autonomy of states has often pushed them to the margins of the state's power structures. This, in turn, has provided an impetus for the politicization of the sub-national identities, often resulting in violent political movements threatening the Indian State. Nor has the centre lived up to the expectations of playing the role of an impartial arbiter, managing social, economic and political relations between and among the sub-national identities. In fact, by selectively supporting or suppressing diverse political demands of the

sub-national identities to suit the political interests of the party in power, successive central governments have made the state itself a partisan player in the battle of identities, inducing and rationalizing the struggle of each to 'look for its own state'.

A radical reworking of the federal scheme would have to evolve as a bottom-up process, whereby the states and regions feel that they have voluntarily come together to create a new centre. A five-tier, or perhaps six-tier, structure of federal governance may be adopted to create a new federal balance. Under this arrangement, each state would become a federation of self-governing regions and districts, and each region and district similarly a federal grouping of sub-district and Panchayati Raj institutions of self-governance. But first the basic structure of the centre-state relations has to be renegotiated. The Seventh Schedule of the Constitution may be reworked whereby only matters of national importance such as territorial security, foreign affairs, communications and currency should come under the centre's jurisdiction, vesting the residuary powers in the states. The states should become autonomous in exercising their political and financial powers. The President's powers to impose central rule on the states should be permitted only under the circumstances of war or financial crisis. Institutional mechanisms such as the inter-state council should be empowered to ensure regular consultation and coordination among the states and between the centre and the states. The council should have an independent and permanent secretariat to be headed by a secretary-general, 'who should be more a statesman, than a bureaucrat'.⁹

States must themselves become federations and devolve powers to sub-state units and Panchayati Raj institutions. While *panchayats* have been accorded constitutional legitimacy, there is need to imagine and create new sub-state formations such as elected regional councils, autonomous hill councils or autonomous tribal councils depending on the specific features and requirements of each state. In the division of powers, the subjects under the states' jurisdiction should be limited and specified to include those affecting the entire state and requiring inter-regional cooperation. The residuary powers, political and financial, should be vested in the sub-state units. Ideally, the subject distribution should be more dynamic than the permanent principles of the Constitution, and less dynamic than specific laws. For example, the regional councils could enact uniform or mirror legislation on a particular subject making it federal in effect.

Alternatively, the regional councils could enact legislation authorizing the state legislature to make laws on a subject.

The next tier of federal governance should constitute elected district councils followed by block *samitis* and *panchayats* in villages, and municipal corporations in urban areas. *Gram sabhas* comprising all adult members of a village, should form the base of the federal continuum. The 73rd Amendment to the Constitution makes it mandatory for the state governments to provide for *gram sabhas*. *Panchayats* should be accountable to *gram sabhas*, which must evolve a model of direct democracy and have the right to recall and elect new members. They should constantly monitor the functioning of the *panchayats* and determine their development priorities. Governance needs to be de-bureaucratized and made accountable to the people at every step. The MPs, MLAs and members of regional councils (MRCs) or autonomous hill councils should be the ex-officio members of *panchayats* and municipal corporations to provide an element of continuity, albeit without a right to vote. Local self-governing units in such a scheme will need to draw sustenance from the grass-roots movements, and together they might be able to meet, from below, the challenge of pressures for effective political participation.

With regard to the territorial delimitation of federating entities, Article 3 of the Indian Constitution empowers the Union Parliament to unilaterally (without the consent of the affected states) alter state boundaries, to transfer territory from one state to another and rename any state. This provision is inimical to the spirit of federalism. The demand for creation of smaller states or territorial readjustment of existing states should, in principle, emanate from the elected sub-state units and be passed by a two-thirds majority in the concerned state legislature before implementation by the centre. The growing demand for reorganization of states need not be feared. On the contrary, by accommodating the political aspirations of various communities, their secessionist urges are curbed and in the end, a new sense of solidarity among the federating units will strengthen the state. Ideally, the centre and the federating units should evolve mutually agreed upon criteria for reorganization of states along the lines of (i) administrative and political manageability involving closer contacts between the people and their elected representatives; (ii) techno-economic viability; (iii) and socio-economic homogeneity (in terms of tribes/*jatis*, languages/dialect, belief system/religious

communities and ethnic identities').¹⁰ This may prove to be a more durable and effective solution in terms of rational restructuring of the gigantic Indian polity.

The question of minority rights is another critical issue. While the potential for mistreatment of minorities can never be wholly eliminated, institutional mechanisms such as the Minorities Commission and the Human Rights Commission should be empowered to not only investigate the violation of human rights, but also enjoy judicial powers for directly redressing such grievances.

Finally, the methods of people's representation need to be reformulated in view of India's large size. There is a wide discrepancy not only with respect to the overall population, but also with respect to the number of registered voters and the actual numbers of votes cast. For example, an Indian Member of Parliament represents, on the average, over 1.7 million of population or one million registered voters, a figure reduced to about 60,000 in terms of votes cast.¹¹ Even this is too large, because such mega-size constituencies do not allow any meaningful interaction between the people and their representatives. The number of constituencies should be increased at the national level and may be doubled and quadrupled at the state and sub-state levels of federal units. The idea is to facilitate people's access to their representatives and make governance a more participatory process so that the democratic principle of self-determination is not lost in the wheeling and dealing of representative democracies. Another flaw in the current system of representation allows a candidate getting a minority percentage of votes to wield state authority on behalf of the majority section of the people. Owing to the large number of contestants in a multi-party democracy like India, votes are split and a candidate getting only part of the votes of the actual number of votes cast is given the power to decide the fate of the majority. For example, in the 1991 elections, 10 candidates had won seats by less than 1 per cent of vote margin.¹² The working of the single-member plurality district system (first-past-the-post) also allows a party to win a disproportionate share of seats in relation to the votes, as long as the opposition remains divided. For example, in the 1998 elections, the BJP won 25.47 per cent of vote share with 181 seats, while the Congress with a slightly higher share of 25.88 per cent vote share, won only 141 seats. Similarly, the BSP, with 4.68 per cent of votes, won only 5 seats while the CPM with 5.18 per cent votes won as many as 32 seats.

The agenda for rethinking the philosophy of Indian nationalism

and overhauling the federal and political architecture of the Indian State is ambitious. But is it utopian? What are the portents for the future? The answer lies in a mixed bag of positive trends and serious constraints. The Indian State is undergoing a widening and deepening historical current of regionalization of all political forces. The regional political parties having successfully mobilized the linguistic, ethnic, cultural and regional identities in the states in the 1980s have come to centre stage at the national level. The formation of the United Front government in June 1996 comprising 13 regional and state-based parties was a forceful statement to this effect. Significantly, not only did government formation depend on the regional and state parties, but one of the regional leaders, Deve Gowda, also made it to the prime minister's post. This was an important milestone in the regionalization of political processes. Gowda's selection marked the 'emergence of a new cluster of non-upper caste leadership with local roots and unwilling to be junior partners of national parties'.¹³ The process of replacing Gowda by I.K. Gujral as the leader of the United Front in April 1997 was similarly controlled by regional leaders, notably by the Chief Ministers of Andhra Pradesh, Tamil Nadu, Assam, West Bengal and Bihar. Significantly, as compared to 8 national parties, 181 state parties, recognized by the Election Commission had contested the 1996 elections and they won one of the 4 Lok Sabha seats.¹⁴ In the 12th Lok Sabha, about 200 seats had gone to parties that have essentially local or regional support. The state parties have their own social and political agendas shaped by 'specific regional and vernacular discourses'.¹⁵

Even the national political parties have been undergoing a renewed process of regionalization, each with a specific area of influence depending on the factors associated with particular regions. For example, the principal reason for the BJP's growing strength in the national arena has been the regional concentration of its support in Uttar Pradesh, Haryana, Rajasthan, Maharashtra, Gujarat and Karnataka.¹⁶ The Congress and the Janata Dal, on the other hand, have undergone several splits. The regional stalwarts of these parties are becoming increasingly assertive and refusing to play secondary roles to the national leadership, often breaking the regional factions away. In 1996, a prominent section of the Congress in Tamil Nadu broke away to form the Tamil Maanila Congress (TMC). In 1998, the Congress witnessed Mamata Banerjee breaking away the West Bengal unit to launch the Trinamool Congress; S. Bangarappa cut

loose in Karnataka to form the Karnataka Vikas Party; Jagannath Mishra in Bihar created the Bihar Jan Congress and V. Ramamurthy in Tamil Nadu floated his own outfit. Sharad Pawar formed the Nationalist Congress Party in 1999. In the Janata Dal, an influential section of the party in Orissa broke away to launch the Biju Janata Dal; the entire Bihar unit broke away with Laloo Yadav to form the Rashtriya Janata Dal; and Ramakrishna Hegde floated Lok Shakti in Karnataka. Even the BJP did not escape this phenomenon when S.S. Vaghela split the Gujarat unit to launch the Rashtriya Janata Party.

Both the Congress and the BJP have been forced to look for regional political partners. After the 1998 general elections, the BJP formed the government with 16 political allies. At least six of them—the Akali Dal (Punjab), the All-India Anna Dravida Munnetra Kazhagam (AIADMK, Tamil Nadu), the Shiv Sena (Maharashtra), Lok Shakti (Karnataka), the Telugu Desam Party (Andhra Pradesh), and the Haryana Vikas Party (Haryana)—are avowedly regional outfits and the rest are effectively so being in the main confined in their support base to one state. Altogether these parties won 73 seats and polled 11.2 per cent of the vote (up from 26 seats and 4 per cent in 1996).¹⁷ In the 1999 general elections, the number of BJP's partners in the National Democratic Alliance increased to 24. Moreover, as their reward for helping the BJP to form the government, the allies demanded, and got, a number of senior portfolios in the government. This, undoubtedly, added to their political influence at the centre.

These developments signify a dramatic shift in the Indian polity from a dominant party system to minority and multiparty coalitions at the centre and states, reflecting the evolution of regionalizing tendencies over the past two decades. The days of a national political party single-handedly mobilizing an electoral majority are over. The political trends clearly point towards the *regional taking precedence over the national*, and in future, regional forces may hold the Indian polity together. The United Front experiment, in this respect, has demonstrated 'the possibilities of regionally-driven coalition politics as a device for managing social and regional pluralism'.¹⁸

The regionalization of political forces has led to the emergence of states as the new pathways to power, a decisive change from the first three decades of the Indian polity when the centre was the most important avenue for a quick rise to power. The hitherto peripheral groups—the intermediate classes and castes particularly the dalits in north India—sought to establish their dominance through the control of the state arena. This has already happened in Tamil Nadu,

Karnataka, Andhra Pradesh, Kerala, Gujarat and Maharashtra and is now underway in Bihar, Uttar Pradesh and Madhya Pradesh.¹⁹ Moreover, liberalization and economic reforms are accelerating the shift of power from the centre to the states as states compete with each other to attract foreign investment, establish tax structures and institutional mechanisms for clearance of such projects. After industrial deregulation, the number of industries under central government control, declared by Parliament to be in the national interest, has shrunk to eight. Politically and ideologically, a perception has taken root that the state is an important arena for both political power and economic development.²⁰

With regard to the state structures, the process of evolving a participatory multi-level governance in the Indian State has been ushered in by the 73rd and 74th Constitutional Amendments according constitutional status to *panchayats* as institutions of self-government at the district and sub-district levels. The introduction of a third stratum in governance has opened new vistas of opportunities of local self-government. Besides, the Indian Constitution has several precedents of special provisions for different groups of people and different parts of the country. The Scheduled Castes and Tribes, Other Backward Classes and minorities enjoy certain preferences. While Article 370 gave a special status to Jammu & Kashmir, Articles 371 and 371-A to 371-I list special provisions related to the states of Manipur, Nagaland, Assam, Mizoram, Arunachal Pradesh, Sikkim, Andhra Pradesh, Goa, Maharashtra and Gujarat. Article 290-A contains special provisions pertaining to Kerala and Tamil Nadu. Of further significance are the constitution of eight autonomous district councils in the states of Assam, Meghalaya and Mizoram under the provisions of the Sixth Schedule and six such councils under the Manipur (Hill Areas) District Councils Act, 1971, *outside* the Sixth Schedule, which introduced a new level of structural federalism within the states. The Fifth Schedule also prescribes a special dispensation for certain tribal areas.

The Indian State is under growing pressure for redrawing the country's political map. Demands for new states and/or administrative units exist in 14 states.²¹ These include Uttarakhand/Uttaranchal, Bundelkhand (with Madhya Pradesh districts) and Purvanchal (Rohilkhand and Bundelkhand) and Bhojpur in Uttar Pradesh; Mithila (Bihar); Coorg (Karnataka); Kaushal Rajya (Orissa); Maru Pradesh/Marwar (Rajasthan); Gorkhaland (West Bengal); Bodo-land (Assam); Jharkhand (Bihar, Orissa and Madhya Pradesh);

Chattisgarh, Gondwana and Bhilistan (Madhya Pradesh); Telangana (Andhra Pradesh); Vidarbha and Konkan (Maharashtra); and Jammu (Jammu & Kashmir). Others seeking separate administration include the Garo tribals and Hmar tribals in Meghalaya and Assam, and Kukiland and the Zomi tribals in Manipur, while the people in Karbi Anglong and North Cachar region demand better democratic treatment and economic development. Such demands are partly due to increasingly assertive voices of regional and subregional identities *within* states, and partly because of the unwieldy and unmanageable size of India's larger states where certain regions have flourished and others have stagnated. The calls for reorganization of states have revived fears of causing disruption and disintegration, but, as argued earlier, demands for new federal units within the Indian State are better than the threats of secession, and need to be accommodated *within* the political system. The central and U.P. state governments' acceptance of the Uttarakhand demand, in principle, is a step in the right direction. Alternative political avenues and mechanisms such as the Darjeeling Autonomous Hill Council in West Bengal, Karbi Anglong Autonomous District Council in Assam and Autonomous Hill Council in Leh (Ladakh) as well as Regional Development Boards set up for Vidarbha and Marathwada in Maharashtra, have been explored. Some have worked though many fizzled out. Nevertheless, the state authorities' willingness to experiment with different forms of sub-state structures is a positive and desirable change.

However, this realization is neither volitional nor permeated by the genuine spirit of decentralization. Regional movements, often violent, have forced the central and state governments to concede ground. The governments have pursued largely minimalist approaches in granting political and financial powers to the sub-state structures. The United Front government had also not undertaken any bold initiatives for federalizing the Indian polity. There is no meaningful transfer of fiscal powers from the centre to the states and the states to the *panchayats*. Neither have the centre's discretionary powers for dismissing the state governments under Article 356 and appointment of Governors, acting as the sword of Damocles over states' political autonomy, been curtailed. Despite the constitutional requirement, many state governments are dragging their feet on holding *panchayat* elections. The centre and the states have developed deep vested interests and are loath to loosen their grip on power. The process of restoring the power to where it belongs is clearly not going to be easy. Unless and until the first order of decentralization between

the centre and states is worked out satisfactorily, it is well nigh impossible to visualize decentralization to the village level. However, regionalization of the Indian polity has shown that the groundswell of political forces will, eventually, force their hands to evolve a multi-layered federal structure of the Indian polity.

How do these trends impact on the developments and the current situation in Jammu & Kashmir state? What does a long-term and cohesive approach towards resolving the conflict situation in Kashmir entail? We suggest a three-pronged strategy. First, lay out some short-term and medium-term measures for dealing with the militant movement, revitalizing the structures of governance and rebuilding the civil society; in the long term it calls for a thorough restructuring of the state's relationship with the Indian State. The second seeks to recast inter-community and inter-regional relationships within the state by replacing the unitary power structures of the Jammu & Kashmir Constitution with a new, multi-level federal balance. The third component addresses the bilateral dimension of the Kashmir conflict.

Before discussing the measures to deal with the secessionist movement, let us briefly recapitulate its dynamics in terms of the factors that contributed to its success during 1989-91 and the subsequent stalemate after 1994 and also the gaps in the Indian government's strategies. The overwhelming support of the Kashmiri Muslims was the key to its early successes but vehement opposition to their goals by the people of Jammu, Ladakh and the Kashmiri Pandits, comprising nearly half of the state's population, checkmated it. Within the Valley too, more than the underground militants, the mass processions in early 1990 had caused the total collapse of the state authority in the Valley. When the militants failed to channelize the mass support to their cause, half the secessionist battle was lost. Subsequent criminalization and degeneration of the militant ranks led to growing popular disillusionment. Without popular support and vital social sanction of violence, the movement fizzled out. The Kashmiris, however, remain deeply alienated from the Indian State and their longing for *azadi* is intact. The second important factor was the indigenous character of the insurgency. But before long, Pakistan had marginalized the JKLF with the help of the Hizbul Mujahideen and later replaced the Kashmiri cadre with foreign mercenaries whose agenda and ideology had no room for the Kashmiris' political aspirations and goals. Denuded of its local character and support, the foreign militants can at best wage guerrilla warfare, as they did, and

are doing, and bleed the Indian State. Third, the ideological divide among the militants, between those seeking independence and others supporting accession to Pakistan, depleted their limited but vital resources. The JKLF enjoyed popular support but lacked the manpower and weapons; the Hizbul Mujahideen had a well-trained and armed cadre but little public sympathy. Without mutual support, both failed. Finally, the constant supply of armed men and weapons from across the border has kept the pot boiling. The mountainous terrain in the state rules out fencing of the border as was undertaken in large tracts of the border in Punjab in the 1980s during the height of the Khalistan movement there. Besides, over the years, Pakistan has diversified its routes and used the coastline of Gujarat, the plains of Punjab, India's open border with Nepal, and Assam's border with Bangladesh as a conduit to infiltrate men and arms. Sealing India's border with all the neighbouring countries is setting an impossible task. The only effective strategy would be to address, and remove, the need to resort to the gun option by the local population for redress of their grievances.

The most serious problem with the successive governments' handling of the Kashmiri secessionist movement was that there was no coherent, consensual and clearly defined strategy. Ad hoc decision-making continued to be the norm. The civil, political and military wings of the central and state governments remained divided and often worked at cross-purposes. Militarily, the tactical strategy of 'wearing down the militants' worked, but had limited value. There was no vision or political strategy and the leadership in Srinagar and New Delhi shied away from grappling with the socio-economic and political issues driving the insurgency. Both were given an opportunity to change course after the state assembly elections in October 1996, but they failed to capitalize on that window of opportunity.

What is the current state of affairs? Caught in the quagmire of corrupt state machinery, an indifferent bureaucracy and fearful and self-serving politicians, three years after the restoration of a democratically elected government, the people are still grappling with 'bread and butter' issues. The militancy has spread from the Valley to large areas of the Jammu region—Rajouri, Poonch and Doda—and some parts of Ladakh as well. The Kashmiri youth are, once again, beginning to join the ranks of the militants. Without clear and committed support from the ruling party, the state police especially the officers of the Special Operations Group are feeling demoralized.

The security forces seem to be on the defensive, losing their edge over the militants. The National Conference government has, on the one hand, refused to engage the militants and their political representatives in a dialogue and, on the other, sought to undercut the support base of moderate, secular and pro-India political voices such as that of the People's Democratic Party (PDP). Their attempt to monopolize the political space in the state has led to growing public disenchantment with democratic politics.

Despite the continuing bloodshed and growing disillusionment, however, the political battle of winning the hearts and minds of the Kashmiris is not completely lost. Indeed on a wide variety of parameters, the situation is better than it was in the 1990s. The despair and dejection among the populace has not turned into popular sympathy for the militants. People are generally averse to violence. The foreign militants enjoy little popular support. International support for the Kashmiri cause has also waned. The honeymoon with Pakistan is over and it is no longer viewed as the 'patron' of their cause. The Kargil crisis in a nuclearized South Asian environment only drove home the point that the 'Kashmir issue' cannot be resolved militarily.

What practical steps should the state government undertake in the immediate future to retrieve lost ground? Farooq Abdullah might well begin by taking a fresh look at the political agenda and the politico-economic-military strategies he had proposed after his return to power in 1996. His ideas, perspectives and approach were promising but he failed dismally in implementing them. In matters of governance, theoretically the solution—reviving the state economy and devising an effective counter-insurgency strategy—is not radically new or original. It has been done before, and it can be done again. What is needed is an unflinching determination on the part of the civil, political and military wings of the government to carry their plans through.

The popular yearning for a humane, accountable and efficient civil administration was a vital factor for the people's participation in the electoral process in 1996. It is important not to let the people down. Failing them again will do irreparable damage to their faith in the political mechanisms and will force them, once again, to resort to violence. The National Conference government urgently needs to streamline the institutional mechanisms for redressing the people's grievances and activate its cadres to rejuvenate the political channels at the grass-roots level. Along with this, the top priority of the

government has to be to revive the economy and revamp the ravaged economic infrastructure of Jammu & Kashmir. This calls for a well-planned 'self-help' strategy by the state government, a generous dose of funds from the centre, and a dominant role for the private sector. Keeping in mind the essentially agrarian nature of the state's economy (which supports 80 per cent of the population) and a strong horticulture industry worth Rs 500 crore which were not adversely affected by the militancy, the state government's plans for economic revival must pivot around strengthening these sectors. Second, the government must focus on harnessing the potential of generating 15,000 MW of hydel power to its full capacity. Currently not even 400 MW is being generated. Central assistance is vital and the state has a legitimate claim to receive such assistance since the Indus Water Treaty of 1960 curtailed the state's rights on the Upper Chenab, Jhelum and Indus rivers for purposes of even non-consumptive hydroelectric storage and diversions within these basins.²² Third, the central government should bear, partly, if not entirely, militancy-related expenditure, as was done in the case of Punjab. Finally, the state government must actively engage the private sector in resuscitating the economy of the state. In view of liberalization and economic reforms at the centre, the state government should undertake specific measures to attract the Indian corporate sector and foreign direct investments, give tax incentives to set up industry in the state, and streamline its bureaucracy to provide single-window clearance to such projects. A rail link to Srinagar which is being extended to Udhampur, and an all-weather road to Kargil and Leh in Ladakh would go a long way in strengthening Kashmir's economic links with the rest of the country.

In the social realm, the non-governmental organizations, social institutions, community leaders and grass-roots workers have a more important role to play. The decade-long militancy has left Kashmiri society brutalized, militarized and traumatized. It has been desensitized to the point where small Kashmiri children are learning the alphabet in terms of a terrorist milieu—B for 'Bomb' and C for 'Curfew' in their schools. The state apparatus has completely failed in providing a healing touch to the Kashmiris. The task has fallen to the social institutions. An immediate priority of the non-governmental organizations should be to provide shelter and educational facilities to the scores of children rendered orphan by the militancy who are currently being raised by the madrasas. There is not a single *mohalla* or village in the Valley unaffected by the

militancy, yet individuals, families and communities have had little opportunity to collectively mourn their dead. There is, thus, need to create social spaces which provide a cathartic outlet for these people. Reconciliation with the past is the first step, in fact it is a prerequisite to rebuilding civil society in the Valley.

Social institutions must also create channels for dialogue between the Kashmiri Pandits and the Kashmiri Muslims. Their centuries-old bonds were abruptly ruptured with the Pandit exodus in 1989-90. There is consensus among government officials and opposition parties (including the Hurriyat Conference and the People's Democratic Front) that the Pandits need to be rehabilitated in the Valley. A blanket ban by the government on the sale of the Pandits' property was a step in the right direction but it has not proved to be very effective. The real challenge lies in making the Pandits feel secure and an integral part of Kashmiri society, a task which can be accomplished only at the community level albeit with the full backing of the state government.

Politically, Farooq Abdullah's government should open channels of communication with the diverse groups of active and ex-militants including the All-Party Hurriyat Conference (APHC), and Shabir Shah's Democratic Freedom Party. Despite the limitations of the Hurriyat Conference—of being dominated by the Jamaat's Islamic ideology, bullied by the militants and manipulated by its patrons across the border—it does represent an alternative line of thinking among the Kashmiris. Also, recent proclamations of its leadership indicate that it may well be on the path of developing an independent course of action. Rather than excluding them from the public debate, a better strategy would be to do exactly what Farooq had promised—fight them politically. Although the APHC has yet to prove its popular credentials by contesting elections, the state government should set its leaders free and allow them complete political freedom to share their agenda, ideology and vision with the people.

An equally important task is to allow a secular opposition to actively participate in the political processes of the state. The contemporary political history of Jammu & Kashmir shows that a political vacuum created by weakening of the secular political voices was always filled by communal—'Muslim' and increasingly 'Islamic'—political forces with extra-territorial loyalties to Pakistan. For example, Ghulam Mohammad Bakshi's attempts to undercut Sheikh Abdullah's support base had led to the creation of the Awami Action Committee; Mir Qasim's tactics to upset the electoral calculus

of the National Conference allowed the Jammat-i-Islami to gain a foothold in the Valley; and the National Conference-Congress alliance's rigging of the 1987 elections, to pre-empt the Muslim United Front victory, triggered the militant movement and some sections openly demanded accession to Pakistan. Likewise, Farooq Abdullah must realize that undermining PDP's support base by using the extremist elements of Hurriyat leadership would only enhance the credibility of the latter's secessionist agenda. The state as well as the central governments must desist from trying to control the political processes from above. It is imperative to allow a free, fair and full interplay of political forces in the state and allow people to be the final arbiter.

The most serious challenge being faced by the Abdullah government is to reverse the increasing and deepening communalization of polity and society of Jammu & Kashmir. The whole spectrum of developments in the arena of high politics—Islamization of the *azadi* plank; marginalization and replacement of the militants of Kashmiri origin with the 'Islamic warriors'; militants' inroads into the Muslim-dominated districts of the Jammu region and the series of Hindu massacres; religious cleansing of the Valley resulting from the eviction of the Pandit community; the changing political alignments particularly the National Conference-BJP alliance; voting figures and patterns of Jammu and Ladakh regions in the last two general elections—all point in the same direction. The most alarming, and therefore the most important, is the proposed internal restructuring of the state into eight provinces carved along a Hindu-Muslim axis; it would legitimize the changing relationships forced on the communities—Kashmiri Muslims and Kashmiri Pandits, Ladakhi Buddhists and Shia Muslims and Hindus and Muslims in Doda district, at the household, *mohalla* and village levels. All of these are dire forebodings. The complicity of the ruling political parties—the National Conference in the state and the BJP at the centre—complicates the situation even more. Both fail to recognize that to give sanctity to religious nationalism and accord primacy to the political demands of communities based on their religion would not only strengthen the divisive forces within the state but also help Pakistan justify its claim on Kashmir on the grounds of the two-nation theory. A wiser strategy to satisfy the popular urges for self-governance lies in a thorough restructuring of the state's relationship with the Indian State and in creating new federal relationships within Jammu & Kashmir.

Kashmir's special status lies at the centre of this debate. The State Autonomy Committee has recommended that Article 370 should be restored to its pristine form under which the centre enjoyed powers only on the three subjects of defence, communications and currency. Notwithstanding the fact that the National Democratic Alliance at the centre does not endorse abrogation of Article 370, the BJP leadership continues to advocate the divisive agenda on the grounds that it has hampered Kashmir's integration into the Indian mainstream. Some ideologues also suggest changing the 'state-subject' definition and altering the demographic profile of the Valley by settling large number of Hindus and Sikhs there. This strategy is not only difficult to implement, but may well be counterproductive.²³ If the Indian State, as argued earlier, is developing a confederate character, Jammu & Kashmir along with other states should be *given complete autonomy*. This could mean reverting to the 1952 Nehru-Abdullah Agreement as spelled out in the State Autonomy Committee Report. It would be a forward-looking approach towards shaping Jammu & Kashmir's relations with the Indian State. This and not its much violated past record must shape this decision. The centre should have jurisdiction over territorial security, foreign affairs, communications and currency. The residuary powers should be vested in Jammu & Kashmir state. The Governor should be appointed only with the consent of the state government, preferably from a panel of names suggested by the latter. The nomenclature of Wazir-i-Azam for Chief Minister and Sadar-i-Riyasat for Governor may also be restored because of their immense symbolic value for the Kashmiris. The jurisdiction of other provisions regarding the Election Commission, All-India Civil Services and the Supreme Court may be left open for renegotiation.

In the final analysis, there are only two choices. The first is to provide a healing touch to the Kashmiri psyche, meaningfully address the Kashmiris' social and economic grievances and give them 'political *azadi*'. Though this may fall short of territorial independence, the hope is that they would voluntarily opt to stay within the Indian union. The second option is for the government to continue using its coercive apparatus to force submission of the Kashmiris despite the blood already shed. I believe that the best way to address secessionist and separatist demands does not lie in fighting or suppressing its manifestations, but removing the *raison d'être*. Our study shows that the successive central governments' imposition of political choices on the Kashmiris, appropriation of their political

space by the centralized state structures, and violent repression of local dissent forced the Kashmiris to take the path of secession. Therefore, the ultimate solution lies in creating a political system that allows a healthy social, cultural and political space for the Kashmiris to grow and to help them protect their interests.

The second component of the Kashmir strategy calls for creating a new federal balance within Jammu & Kashmir state. In a deeply heterogeneous society, its unitary state structures have caused fissures in the inter-regional relationships and pitted Jammu and Ladakh against the Valley. Successive governments in Srinagar have paid only lip service to the cause of regional autonomy. Farooq Abdullah's government, too, had promised to federalize the state structures with three autonomous units of Jammu, Kashmir and Ladakh and, accordingly, appointed a Regional Autonomy Committee. Subsequently, however, the National Conference has sought to hijack this platform to push its narrow and short-sighted agenda of securing the political interests of only the majority community—Muslims—in the state.

In Jammu, the National Conference supporters first demanded an autonomous hill council—couched in ethno-linguistic terms—for a Pahari region comprising Rajouri and Poonch districts region and another autonomous hill council for the Chenab Valley region in Doda district. But these demands, as we have argued earlier, lacked a popular support base in each subregion; in Rajouri and Poonch, the Gujjar community opposed it and the same demand for the Chenab Valley area was articulated by a handful of Muslim MLAs in the National Conference party. When it failed to catch the popular imagination, the state government, through Regional Autonomy Committee, sought to bestow it from above by granting a provincial status to Rajouri and Poonch—the Pir Panjal province—and to Doda—as the Chenab Valley province. Not only is this top-down approach inherently contradictory to the principle and philosophy of regional autonomy, but also its underlying and somewhat transparent communal agenda, of redrawing the internal geographical boundaries of the state along a Hindu-Muslim fault line, has dangerous implications. We have earned the bitter dividends of communalizing the Kashmiri identity in the last decade. To extend the same agenda to the Jammu region cannot but be fraught with danger.

If Farooq Abdullah's government is committed to the goal of devolving political and economic power to the grass-roots level, it

should without losing any more time, initiate a broad-based process of debating the entire gamut of issues related to regional autonomy by the elected representatives (based on proportional representation) of all the communities of the state. Considering that the Valley's political leadership led by the National Conference held all the cards in the original Constituent Assembly of Jammu & Kashmir, it may be an appropriate albeit radical proposition to call for another constituent assembly for Jammu & Kashmir to lay down the 'rules of the game' for power sharing. All communities and political groups of diverse hues, including active and ex-militants, should be represented in this forum. It has to be an open, inclusive, participatory and democratic process. The recommendations of this body should, then, be put to vote by the people in a state-wide referendum.

Ideally, a six-tier federal structure, in line with the Indian federal model, is recommended. The offices of Chief Minister (Wazir-i-Azam) and Governor (Sadar-i-Riyasat), the Legislative Assembly and the High Court would retain their apex status in the state. However the subjects under the state list should be revised and limited. A new layer of sub-state structures consisting of an elected regional council each for Jammu and the Valley and an autonomous hill council for Ladakh should be created that should be vested with the residuary powers. These three regions in the state have distinct subcultures, and as our study shows, demands for regional autonomy or a separate constitutional status in Jammu and Ladakh have persisted since the early 1950s. In Ladakh, an autonomous hill council for Leh (Ladakh) was granted in 1995. Ladakh should be granted provincial status and the status of the autonomous hill council could be elevated from the district to the regional level. The formation of elected regional/hill councils would go a long way in empowering the regions to recast their development priorities and providing effective institutional mechanisms to fulfil the political aspirations of their populace. The number of electoral constituencies may be doubled for this purpose and be delimited by the Election Commission within a specified time frame. The state government's powers to dismiss the elected regional/hill councils should be clearly specified, and there should be a statutory provision to hold fresh elections within six months. The next tier of the federal structure should constitute district councils, block *samitis* and *panchayats*.

The objective of empowering the people in the peripheral regions could also be achieved by institutionalizing a bottom-up decision-making process and creating and strengthening new social and

political institutional mechanisms at the grass-roots level. For example, the local *panchayat* members of an area should first decide its developmental priorities, these should be further evolved by block *samitis* and district councils before being considered by the regional council. The issues pertaining to the promotion of local languages and dialects such as Bodhi in Leh and Gojri, Pahari and Dogri in the Jammu region may be addressed in a civil society framework. Social institutions, non-governmental organizations and cultural academies are best placed to undertake this task and breathe fresh life into the little traditions of local cultures. With a view to safeguard the social and political interests of the smaller communities, the government could also consider the proposal of constituting a Minorities Commission in the state analogous to the National Minorities Commission.

Last but not less important, the bilateral angle of the Kashmir conflict must be addressed. The negotiating process between India and Pakistan suffered a grave setback due to the Kargil crisis. Following closely on the heels of Vajpayee's bold and historic Lahore visit in February 1999, the Pakistani misadventure in Kargil resulted in loss of trust and hardening of the national mood that will stymie the early resumption of dialogue. The BJP government had invested a lot in the bus diplomacy. It was relying on the four B's—the Bus, the Budget, the Bomb and Bihar—to win the forthcoming elections. Of these, the Bus was clearly closest to Vajpayee's heart. A BJP Prime Minister could not hope for any greater tribute to his statesmanship than a breakthrough in India-Pakistan relations.²⁴ But after Kargil, the BJP adopted a tough posture evident in Foreign Minister Jaswant Singh's three conditions, including a renewed commitment to respect the sanctity of the Line of Control and cessation of support to the Kashmiri militants, before the resumption of bilateral talks. In Pakistan, its diplomatic isolation, the Washington agreement and Pakistan's sudden and unilateral withdrawal produced a furious political backlash in the country, imperilling the Muslim League government. Opposition political parties, specially the right wing Jamaat-i-Islami, accused the government of treason and betrayal of the 'Kashmiri freedom struggle'. Pakistani Prime Minister Nawaz Sharif also attributed the overthrow of his democratic government to his differences with Army Chief General Pervez Musharraf on the Kargil crisis.²⁵

Both India and Pakistan need to rethink their Kashmir strategy. The Indian government's attempts to freeze or simply sidestep the

Kashmir issue need an overhaul. Pakistan may not have succeeded in annexing Kashmir, but it has turned it into India's festering wound. For example, the costs of manning the Kargil border alone have been estimated at Rs 1,800 crore a year. That is a huge drain on the exchequer, even higher than Siachen.²⁶ Pakistan, too, paid a heavy price in earning 'world opprobrium as the reckless initiator of the [Kargil] crisis . . . and a revisionist transgressor', and, at home, invited the wrath of militant groups and the larger public for 'betraying the Kashmiri cause' and signing the 'surrender deed'.²⁷ The unlearned lessons of the 1947 and 1965 wars were driven home that the Kashmir issue cannot be resolved militarily. The presence of nuclear weapons on both sides of the border makes it all the more imperative for the two countries to revert to the negotiating table.

Nuclearization of South Asia had led many observers to believe that the Indo-Pak dispute over Kashmir would perforce get frozen, as neither country would risk a confrontation that could escalate to the nuclear level. The Kargil crisis proved this assumption to be erroneous because that threshold was not reached. In focusing on Kashmir's likelihood of a full-blown conventional conflict, the argument overlooked an essential aspect that unconventional and limited war between them was not deterred by the so-called nuclear balance of terror. Indeed, a corollary of the inability to wage an all-out conflict has been the pursuit of 'war by other means'. Pokhran and Chagai, in this sense, opened the space for more low-intensity, localized wars, which in themselves are as debilitating as a regular war.²⁸ However, the grave dangers posed by nuclear weapons in a bilateral situation marked by tension, animosity and distrust were underscored by Kargil. There were no fewer than 13 occasions when the leaders of the two countries delivered direct and indirect nuclear threats to each other from vowing to use 'any weapon' to defending 'national integrity' and spelling out the consequences of India going 'all out', if threatened despite its no-first-use commitment.²⁹ Clearly, the two nuclear-armed rivals involved in this low-intensity conflict must evolve new rules of engagement and, ultimately, a long-term diplomatic solution of the Kashmir issue.

In this regard, the official stand taken by both India and Pakistan is untenable. The Indian position that Pakistan has no *locus standi* and that Kashmir is an integral part of India does not stand scrutiny. The Shimla Agreement is, per se, evidence that there is a dispute, so also the ground reality of a Line of Control and Article 48 of the Jammu & Kashmir Constitution which makes provision for 24 seats to be filled

from areas of the state currently under Pakistan's control. Pakistan's demand for the implementation of the UN resolutions also remains a non-starter, partly because Pakistan has always demanded Part III, a plebiscite, without complying with the specific preconditions set out in Parts I and II which include complete withdrawal of its armed forces from the areas under its occupation.³⁰ The plebiscite option also overlooks the current ground realities where several prominent militant groups including the All-Party Hurriyat Conference demand inclusion of a third option—*independence*.

In order to find a lasting solution to the Kashmir conflict, the leadership as well as the larger concerned public in India and Pakistan need to change their way of thinking about the Kashmir issue. The bilateral negotiating process on Kashmir needs to be disentangled from its historical and ideological baggage. It needs to be de-ideologized and delinked from the respective countries' nationalist discourse that 'Pakistan is incomplete without Kashmir' or that 'Kashmir is the crown-symbol of Indian secularism'. The Pakistani logic that Kashmir is the 'unfinished agenda of Partition' because Pakistan was meant to be the 'homeland of Indian Muslims on the subcontinent' has not stood the test of time. After the creation of Bangladesh in 1971, India has more Muslims than Pakistan. Five decades after an independent existence, the Pakistanis must evolve an identity that no longer hinges on the inclusion of Kashmir in Pakistan. Likewise, the secular tenets and beliefs of the Indian polity must not be held hostage to the political choices of the Kashmiris.

Moreover, the nationalist discourse, whether Indian or Pakistani, with its core values of sovereignty and sacred and inviolable territorial borders yields little space to think through a creative solution for a knotty issue such as Kashmir. We must rethink the concepts of state-sovereignty, borders and boundaries and contend with the realities that 'sovereignty today is an extraordinarily flexible, manipulative concept',³¹ and 'divided sovereignty may be essential to polity's survival in a period of . . . ethnic assertiveness'.³² Perhaps we should take a cue from the pre-colonial concept of 'suzerainty' and explore the meaning, form, content and viability of 'layered' or 'shared' sovereignty in the context of Kashmir. A diverse set of sovereign-suzerain state structures will better respond to the needs of the individuals and groups within each state who are theoretically the repositories of ultimate sovereign authority.³³

The leadership in New Delhi and Islamabad should view the conflict from the people's perspective and not simply as a territorial

dispute. If only they 'let go' of their iron grip over the respective territories of Jammu & Kashmir under their control, they might win back the loyalty and affection of the Kashmiris in a way that proves to be much more lasting than the forced compliance as it exists today on both sides of the border. We have proposed a blueprint for reconciliation between Jammu & Kashmir and the Indian State within an 'Indian federalist discourse'. If Pakistan was to engage in a similar exercise and give complete autonomy to the areas in Azad Kashmir and the Northern Areas under its control, it might create room for a meeting ground within an inclusive framework of co-confederation for the two autonomous bodies.

India and Pakistan could share twin sovereignty over a demilitarized and unified (as under the Dogra rule) Jammu & Kashmir. They should renegotiate a more rational, *de jure* boundary not deviating greatly from the present Line of Control, with an open border between the two parts of Kashmir allowing free, two-way, visa-less travel.³⁴ Common concerns such as border management, economic and cultural exchange, tourism, the environment and joint exploitation of the huge hydro potential of the upper Indus system (Indus Treaty II) could lead to 'the creation of over-arching institutions, formal and informal, within a maturing SAARC-SAPTA framework'.³⁵ Internal autonomy for Jammu & Kashmir and Azad Kashmir and the Northern Areas and a porous border creating spaces for free social, cultural and commercial relations within twin Indian and Pakistani sovereignties would 'confer *azadi*, self-determination and democratic rights on both'.³⁶ The gradual demilitarization of the entire Jammu & Kashmir state and a larger peace process between India and Pakistan could even pave the way for an Indo-Pakistani-Kashmiri Joint Defence Council. This may seem like a radical albeit impractical idea today, but one must remember that less than two decades ago, the dismantling of the Berlin Wall, the end of apartheid in South Africa and the Arab-Israeli peace process were also dismissed as far-fetched propositions.

The Kargil crisis may well have inadvertently given a fillip to this much debated option of converting the Line of Control into a *de jure* border. The joint statement issued by US President Bill Clinton and Pakistan's Prime Minister Nawaz Sharif on 4 July 1999, at Washington, emphasized the sanctity of the Line of Control. It resonated in the G-8 communiqué, and the statements of virtually every important country suggested it as the basis of a preferred solution. Pakistan's acceptance of the sanctity of the Line of Control

without the qualifying 'without prejudice to its position' (the language of the Shimla Agreement) could also be construed as an implicit endorsement of this line of thinking.³⁷ Recently, Benazir Bhutto also suggested that there should be a soft border in Kashmir.³⁸ This is a pragmatic decision. The Line of Control marks a fairly well-defined ethno-cultural divide, which by the longevity of its existence has acquired the status of a de facto boundary which is in the process of becoming a de jure border. A final solution for Kashmir may well lie in turning the Line of Control into a Line of Peace.

Which way, then, does the future lie? With the traditional reservations of the successive Indian governments to negotiate with the military rulers of Pakistan especially with General Pervez Musharraf—the military mind behind Kargil—at the helm of affairs, an early resumption of dialogue appears unlikely. A deadlock between the governments should not, however, deter the members of the civil society to think creatively and discuss the possibilities for Kashmir. In fact, a great deal of groundwork in openly debating this issue, exploring several alternatives and rethinking the pros and cons along with the costs of conflict has to be undertaken through informal channels and dialogues before the formal bilateral negotiations can yield a positive outcome. In the long-term, the resolution of the Kashmir conflict must be envisaged, shaped, debated and endorsed in a political framework with the special involvement of the people of Jammu & Kashmir, with the full backing of the top leadership as well as the larger publics in India and Pakistan. This, though, may well be in the realm of the distant future.

At home, Farooq Abdullah's government has endorsed the recommendations of the State Autonomy Committee although, at the time of writing, no formal negotiations with the National Democratic Alliance at the centre have begun. The state and central governments' initiative to engage the militants in a broad-based dialogue is also yet to get off the ground. Likewise, the fate of the regional Autonomy Committee Report is not clear. Whether these would succeed in altering the fundamental political equations between the centre and states and within the state remains to be seen.

The task is no doubt enormous. The political future of Jammu & Kashmir in the new millennium hinges on this undertaking. The political will of the Indian polity to remodel state structures and transform the relationship with the sub-national identities is also on test. Mahatma Gandhi's words bear a ring of truth even today: 'Kashmir will be the title as well as the test of India's future.'

NOTES

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APPENDIX I

INSTRUMENT OF ACCESSION

Instrument of Accession executed by Maharajah Hari Singh on October 26, 1947 [*sic*] Whereas the Indian Independence Act, 1947, provides that as from the fifteenth day of August, 1947, there shall be set up an independent Dominion known as INDIA, and that the Government of India Act 1935, shall with such omissions, additions, adaptations and modifications as the Governor General may by order specify, be applicable to the Dominion of India. And whereas the Government of India Act, 1935, as so adapted by the Governor General, provides that an Indian State may accede to the Dominion of India by an Instrument of Accession executed by the Ruler thereof.

Now, therefore, I Shriman Inder Mahinder Rajrajeswar Maharajadhiraj Shri Hari Singhji, Jammu & Kashmir Naresh Tatha Tibbet adi Deshadhipati, Ruler of Jammu & Kashmir State, in the exercise of my Sovereignty in and over my said State do hereby execute this my Instrument of Accession and

1. I hereby declare that I accede to the Dominion of India with the intent that the Governor General of India, the Dominion Legislature, the Federal Court and any other Dominion authority established for the purposes of the Dominion shall by virtue of this my Instrument of Accession but subject always to the terms thereof, and for the purposes only of the Dominion, exercise in relation to the State of Jammu & Kashmir (hereinafter referred to as 'this State') such functions as may be vested in them by or under the Government of India Act, 1935, as in force in the Dominion of India, on the 15th day of August 1947, (which Act as so in force is hereafter referred to as 'the Act').
2. I hereby assume the obligation of ensuring that due effect is given to provisions of the Act within this State so far as they are applicable therein by virtue of this my Instrument of Accession.
3. I accept the matters specified in the schedule hereto as the matters with respect to which the Dominion Legislature may make law for this State.
4. I hereby declare that I accede to the Dominion of India on the assurance that if an agreement is made between the Governor General and the Ruler

of this State whereby any functions in relation to the administration in this State of any law of the Dominion Legislature shall be exercised by the Ruler of the State, then any such agreement shall be construed and have effect accordingly.

5. The terms of this my Instrument of Accession shall not be varied by any amendment of the Act or the Indian Independence Act, 1947, unless such amendment is accepted by me by Instrument supplementary to this Instrument.
6. Nothing in this Instrument shall empower the Dominion Legislature to make any law for this State authorizing the compulsory acquisition of land for any purpose, but I hereby undertake that should the Dominion for the purpose of a Dominion law which applies in this State deem it necessary to acquire any land, I will at their request acquire the land at their expense, or, if the land belongs to me transfer it to them on such terms as may be agreed or, in default of agreement, determined by an arbitrator to be appointed by the Chief Justice of India.
7. Nothing in this Instrument shall be deemed to commit in any way to acceptance of any future constitution of India or to fetter my discretion to enter into agreement with the Government of India under any such future constitution.
8. Nothing in this Instrument affects the continuance of my Sovereignty in and over this State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in force in this State.
9. I hereby declare that I execute this Instrument on behalf of this State and that any reference in this Instrument to me or to the Ruler of the State is to be construed as including a reference to my heirs and successors. Given under my hand this 26th day of October, nineteen hundred and forty seven.

Hari Singh

Maharajadhiraj of Jammu and Kashmir State.

ACCEPTANCE OF ACCESSION BY THE GOVERNOR GENERAL OF INDIA

I do hereby accept this Instrument of Accession. Dated this twenty-seventh day of October, nineteen hundred and forty seven.

Mountbatten of Burma
Governor General of India.

SCHEDULE OF INSTRUMENT OF ACCESSION THE MATTERS WITH RESPECT TO WHICH THE DOMINION LEGISLATURE MAY MAKE LAWS FOR THIS STATE

A. Defence

1. The naval, military and air forces of the Dominion and any other armed

forces raised or maintained by the Dominion; any armed forces, including forces raised or maintained by an acceding State, which are attached to, or operating with, any of the armed forces of the Dominion.

2. Naval, military and air force works, administration of cantonment areas.
3. Arms, firearms, ammunition.
4. Explosives.

B. External Affairs

1. External affairs; the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of His Majesty's Dominions outside India.
2. Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled in India or subjects of any acceding State; pilgrimages to places beyond India.
3. Naturalisation.

C. Communications

1. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication.
2. Federal railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and services terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.
3. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.
4. Port quarantine.
5. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.
6. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.
7. Lighthouses, including lightships, beacons and other provisions for the safety of shipping and aircraft.
8. Carriage of passengers and goods by sea or by air.
9. Extension of the powers and jurisdiction of members of the police force belonging to any unit to railway area outside that unit.

D. Ancillary

1. Election to the Dominion Legislature, subject to the provisions of the Act and of any Order made there under.
2. Offences against laws with respect to any of the aforesaid matters.

3. Inquiries and statistics for the purposes of any of the aforesaid matters.
4. Jurisdiction and powers of all courts with respect to any of the aforesaid matters but, except with the consent of the Ruler of the acceding State, not so as to confer any jurisdiction or powers upon any courts other than courts ordinarily exercising jurisdiction in or in relation to that State.

APPENDIX II

ARTICLE 370 OF THE INDIAN CONSTITUTION

Temporary provisions with respect to the State of Jammu & Kashmir

- (1) Notwithstanding anything in this Constitution,
 - (a) the provisions of article 238 shall not apply in relation to the State of Jammu & Kashmir;
 - (b) the power of Parliament to make laws for the said State shall be limited to,
 - (i) those matters in the Union List and the Concurrent List which, in consultation with the Government of the State are declared by the President to correspond to matters specified in the Instrument of Accession governing the accession of the State to the Dominion of India as the matters with respect to which the Dominion Legislature may make laws for that State; and
 - (ii) such other matters in the said Lists as, with the concurrence of the Government of the State, the President may by order specify.

Explanation for the purposes of this article, the Government of the State means the person for the time being recognised by the President as the Maharaja of Jammu & Kashmir acting on the advice of the Council of Ministers for the time being in office under the Maharaja's Proclamation dated the fifth day of March 1948;

- (c) the provisions of article 1 and of this article shall apply in relation to that State;
- (d) such of the other provisions of this Constitution shall apply in relation to that State subject to such exceptions and modifications as the President may by order specify:
 Provided that no such order which relates to the matters specified in the Instrument of Accession of the State referred to in paragraph (i) of sub-clause (b) shall be issued except in consultation with the Government of the State:
 Provided further that no such order which relates to matters other

than those referred in the last preceding proviso shall be issued except with the concurrence of that Government.

(2) If the concurrence of the Government of the State referred to in paragraph (ii) of sub-clause (b) of clause (1) or in the second proviso to sub-clause (d) of that clause be given before the Constituent Assembly for the purpose of framing the Constitution of the State is convened, it shall be placed before such Assembly for such decision as it may take thereon.

(3) Notwithstanding anything in the foregoing provisions of this article, the President may, by public notification, declare that this article shall cease to be operative or shall be operative only with such exceptions and modifications and from such date as he may specify:

Provided that the recommendation of the Constituent Assembly of the State referred to in clause (2) shall be necessary before the President issues such a notification.

In exercise of the powers conferred by Article 370 the President, on the recommendation of the Constituent Assembly of the State of Jammu & Kashmir, declared that as from the 17th Day of November, 1952, the said Article 370 shall be operative with the modification that for the Explanation in Cl. (1) thereof, the following explanation is substituted namely, 'Explanation—For the purpose of this article, the Government of the State means the person for the time being recognized by the President on the recommendation of the Legislative Assembly of the State as the Sadar-i-Riyasat (now Governor) of Jammu & Kashmir, acting on the advice of the Council of Ministers of the State for the time being in office.' (Ministry of Law order No. C.O. dated 15th Nov. 1952.)

APPENDIX III

MEMORANDUM SUBMITTED BY SHRI CHEEWANG RIGZIN, PRESIDENT BUDDHIST ASSOCIATION, LADAKH TO THE PRIME MINISTER OF INDIA ON BEHALF OF THE PEOPLE OF LADAKH

Sir,

On the eve of the grant of responsible Government to the people of Kashmir by the Maharaja, we the Buddhists of Ladakh and adjoining areas presented to him through our representatives in the Praja Sabha, a memorial, a copy of which was submitted to you for your information and consideration. This memorial, which was prompted by our apprehensions for our future, based on our bitter experience of nearly a century and a quarter, embodied the following proposals:

1. That he should govern us directly through legislative and administrative machinery, proposals for which would be submitted by us at his command.
2. That our homeland amalgamated with the Hindu-majority parts of Jammu should form a separate province in which adequate safeguards should be provided for our distinctive rights and interests.
3. That we should be permitted to re-unite politically with Tibet of which land we form part and parcel for all purposes but political.
4. That we should be permitted to join East Punjab.

Proposal (1) originated in our respect for the obligation we owed to the ruler in view of the relation which bound us to him from the day of the conquest of our land by his great grand-father.

Proposal (2) emanated from the fact that we desired to see nothing more of the administrators from Kashmir, who had mostly governed us during the past to our utter ruin, that our cultural kinship with the Hindus encouraged us to expect a sympathetic regard for our interests and an assured future in a

Hindu-majority province, and finally that historical causes bound us to the people of Jammu and not to those of Kashmir, for it was the Jammu Dogras who conquered Ladakh for Maharaja Gulab Singh in 1834, while Kashmir came into his possession in 1846, twelve years latter [sic].

All things considered, however, proposals No. 1 and 2 were concessions to treaty obligations imposed on us by the Dogra conquest while proposal No. 3 which would come into force on failure of (1) and (2) was put forward because it is the only panacea for all our ills, the only guarantee for our future progress and development.

No. 4 was a proposal of despair, for though we are in and of Tibet, the political and economic system of that land—our racial and spiritual home—are too archaic, antiquated and unprogressive to suit us. We rather wish that India should exert her wholesome influence in the political and economic fields on her [Tibet] at the present day even as she shaped and moulded her spiritual and cultural life in ancient times.

The Maharajadhiraj has so far vouchsafed to us no reply and we have taken this silence of His Highness to imply the relinquishment by him of his position as a party in respect of proposals (1) and (2), a tacit recognition of our right to choose our path independent of him. We have given most anxious thought to this grave problem and after mature deliberation arrived at the decision that we should straightaway merge with India.

That we have the right to determine our own future apart from other communities and people inhabiting the state and that we cannot be affected by the result of the plebiscite in the event of its being favourable to Pakistan is evident from the following facts:

1. We are a separate nation by all the tests—race, language, religion, and culture determining nationality. The only link connecting us with the other people of the State being the bond of common ruler. If the Indian National Congress could persuade itself to recognise the Muslims of India as a separate nation although they had so much in common with the other elements of the Indian population, the Government of India should have no hesitation in recognition what is patent and incontrovertible fact in our case.
2. Sheikh Mohammad Abdullah built up his case on the validity of the Treaty of Amritsar. This treaty bears upon the territory of Kashmir only so while the ruler has consented to the transfer of his sovereign power in favour of all his people, S. Mohammad Abdullah and the people of Kashmir can, through this transference, manage the affairs of their country as they will. But they have not the power to appropriate against their will a people, a separate nation, whom a separate treaty the result of the war of 1834 twelve years anterior to the treaty of Amritsar, bound to the ruler in a special relationship, in which, the people of Kashmir, who came into the picture later, did not figure at all.
3. The right of self-determination claimed by us cannot be claimed with

equal force by the people of Baltistan including Skardu the parts of Kargil *tehsils* predominantly peopled by Muslims, as they are connected by ties of religion with the majority community in Jammu & Kashmir, nor by the people of Gilgit who came under Dogra rule through conquest after the annexation of Kashmir and whom not only identity of religion but of race as well binds to the majority community of Jammu & Kashmir. It may be added that at the time of the conquest of Ladakh by Zorawar Singh, the entire area comprised under the Tehsils of Leh and Kargil acknowledged the suzerainty of our Raja, while Baltistan had several Rajas of its own.

In case the result of the plebiscite is favourable to India, we simply go a step further than other people of the State in seeking a closer union with that great country and in case it is otherwise, our verdict stands clear and unchallengeable. When we have decided to cut ourselves from the State itself, the question of our forming part of Pakistan cannot arise at all.

We have indeed made up our minds to join India; but what is our decision worth until India is prepared to accept it? We certainly make the offer for our own advantage; we see in our merger with India the only hope of our salvation. But India, too, will not be loser by this arrangement. The *tehsil* of Leh alone covers 23,000 Sq. miles and, if we add to it the other areas predominantly inhabited by Buodhs, viz., Zanskar Bodhkhharbo, Mulbek, Fukar, Darcik, Garcon, in Kargil *tehsil* and Padar in Kishtwar, the total acquisition of territory to India is not probably less than 33,000 Sq. miles. It is true that the whole of these areas is underdeveloped and most of it at present barren. But it must also be remembered that its economic potentialities are tremendous and in the hands of a great country like India it is bound to be transformed into a smiling garden and a source of immense wealth and power. Its strategic and commercial importance too cannot be underrated. The *tehsil* of Leh has Tibet and China among its neighbours and the town of Leh is the nerve centre of Central Asian trade.

The British Indian Government took Gilgit on lease from the Maharaja for military reasons for no consideration in return. The Indian Government has already incurred an expense of crores of rupees for the protection of Kashmir, not to speak of the great sacrifice of military personnel which the process has involved. It is clearly impossible for Kashmir to liquidate this colossal debt which is daily growing in magnitude.

Would this not be an additional reason for India to take over the Buddhist homelands hereby offered by the Buddhists themselves for its acceptance? Though our right of self-determination stands intrinsically unassailable, we are willing to be considered as the instrument of redemption of the people of Kashmir, heretofore our fellow citizens, if that purpose can be automatically served by India's acceptance of our offer.

There is nothing in our offer which is in anyway incompatible with the high idealism which characterises India's international policy. We might even say in positive terms that it is perfectly consistent with it, for has not

India repeatedly declared that it stands for the right of self-determination for all nations and we are not a nation whose right of self-determination it should uphold and to whom it should extend the protection it seeks?

Tibet is a cultural daughter of India and we of lesser Tibet seek the bosom of that gracious mother to receive more nutriment for growth to our full stature in every way. She has given us that we prize above all other things—our religion and culture and it is the experience of having been the recipients of such precious gift which encourages us to ask for more. The Ashoka wheel on her flag symbol of goodwill for all humanity and her concern for her cultural children calls us irresistibly. Will the great mother refuse to take to her arms one of her weakest and most forlorn and distressed children, a child whom filial love impels to respond to the call?

Sir, the absence of a reply to our previous references on the subject of our future has depressed us greatly. We beseech you with all earnestness to be so kind as to vouchsafe a line in reply to this our last prayer on the subject.

Before we close, we wish to make it clear that our desire to be absorbed into the body politic of India does not imply any reflection on the present National Front of Kashmir. Far from it, we have no hesitation to say that we have full confidence in the present Prime Minister, Sheikh Mohammad Abdullah. The step we have taken has been dictated solely by the instinct of self-preservation which governs all men and nations alike, as also by the desire to find swiftly deliverance from the misery, squalor and stagnation in which we have been sunk for generations past.

APPENDIX IV

INAUGURAL SPEECH OF SHEIKH MOHAMMAD ABDULLAH IN THE CONSTITUENT ASSEMBLY (EXCERPTS)

We must remember that our struggle for power has now reached its successful climax in convening of this Constituent Assembly. It is for you to translate the vision of New Kashmir into a reality, and I would remind you of its opening words, which will inspire our labors:

'We the people of Jammu & Kashmir, Ladakh and the Frontier regions, including Poonch and Chenani Ilaqas commonly known as Jammu & Kashmir State in order to perfect our union in the fullest equality and self-determination to raise ourselves and our children forever from the abyss of oppression and poverty, degradation and superstition, from medieval darkness and ignorance, into the sunlit valleys of plenty, ruled by freedom, science and honest toil, in worthy participation of the historic resurgence of the peoples of East, and the working masses of the world, and in determination to make this our country a dazzling gem on the snowy bosom of Asia, to propose and propound the following constitution of our State.'

This was passed at the 1944 session of the National Conference in Srinagar. Today, in 1951, embodying aspirations, men and women from the four corners of the state in this Constituent Assembly have become the repository of its sovereign authority. This Assembly, invested with the authority of a constituent body, will be the fountain-head of basic laws laying the foundation of a just social order and safeguarding the democratic rights of all the citizens of the State.

You are the sovereign authority in this State of Jammu & Kashmir; what you decide has the irrevocable force of law. The basic democratic principle of sovereignty of the nation embodied ably in the American and French Constitutions is once again given shape in our midst. I shall quote the famous words of Article 3 of the French Constitution of 1791:

'The source of all sovereignty resides fundamentally in the nation Sovereignty is one and indivisible, inalienable and imprescriptible. It belongs to the nation.'

We should be clear about the responsibilities that this power invests us with. In front of us lie decisions of the highest national importance which we shall be called upon to take. Upon the correctness of our decisions depends not only the happiness of our land and people now, but the fate as well of generations to come.

What then are the main functions that this Assembly will be called upon to perform?

One great task before this Assembly will be to devise a Constitution for the future governance of the country. Constitution-making is a difficult and detailed matter. I shall only refer to some of the broad aspects of the Constitution, which should be the product of the labours of this Assembly. Another issue of vital import to the nation involves the future of the Royal Dynasty. Our decision will have to be taken both with urgency and wisdom, for on that decision rests the future form and character of the State. The Third major issue awaiting your deliberations arises out of the Land Reforms which the Government carried out with vigour and determination. Our 'Land to the tiller' policy brought light into the dark homes of the peasantry; but, side-by-side, it has given rise to the problem of the landowners demand for compensation. The nation being the ultimate custodian of all wealth and resources, the representatives of the nation are truly the best jury for giving a just and final verdict on such claims. So in your hands lies the power of this decision.

Finally, this Assembly will after full consideration of the three alternatives that I shall state later, declare its reasoned conclusion regarding accession. This will help us to channelize our energies resolutely and with greater zeal in directions in which we have already started moving for the social and economic advancement of our country.

To take our first task, that of Constitution-making, we shall naturally be guided by the highest principles of the democratic constitutions of the world. We shall base our work on the principles of equality, liberty and social justice which are an integral feature of all progressive constitutions. The rule of law as understood in the democratic countries of the world should be the cornerstone of our political structure. Equality before the law and the independence of the judiciary from the influence of the Executive are vital to us. The freedom of the individual in the matter of speech, movement and association should be guaranteed: freedom of the press and of opinion should also be features of our Constitution. I need not refer in great detail to all those rights and obligations, already embodied in New Kashmir, which are integral parts of democracy which has been defined as 'an apparatus of social organization wherein people govern through their chosen representatives and are themselves guaranteed political and civil liberties'.

You are no doubt aware of the scope of our present constitutional ties with India. We are proud to have our bonds with India; the goodwill of those people and government is available to us in unstilted and abundant measure. The Constitution of India has provided for a federal union and in the distribution of sovereign powers has treated us differently from other constituent units. With the exception of the items grouped under Defense, Foreign Affairs and Communications in the instrument of Accession, we have complete freedom to frame our Constitution in the manner we like. In order to live and prosper as good partners in a common endeavor for the advancement of our peoples, I would advise that, while safeguarding our autonomy to the fullest extent so as to enable us to have the liberty to build our country according to the best traditions and genius of our people, we may also by suitable constitutional arrangements with the Union establish our right to seek and compel Federal cooperation and assistance in this great task, as well as offer our fullest cooperation and assistance to the Union.

Whereas it would be easy for you to devise a document calculated to create a framework of law and order, as also a survey of the duties and rights of citizens. It will need more arduous labor to take concrete decisions with regard to the manner in which we propose to bring about the rapid economic development of the State and more equitable distribution of our national income among the people to which we are pledged. Our National Conference avows its faith in the principle that there is one thing common to men of all castes and creeds, and that is their humanity. That being so, the one ailment which is ruthlessly sapping the vitality of human beings in Jammu & Kashmir is their appalling poverty, and if we merely safeguard their political freedom in solemn terms, it will not affect their lives materially unless it guarantees them economic and social justice. New Kashmir contains a statement of the objectives of our social policy. It gives broadly a picture of the kind of life that we hope to make possible for the people of Jammu & Kashmir and the manner in which the economic organization of the country will be geared to that purpose. These ideals you will have to integrate with the political structure which you will devise. The future political set-up which you decide upon for Jammu & Kashmir must also take into consideration the existence of various sub-national groups in our State. Although culturally diverse history has forged an uncommon unity between them; they all are pulsating with the same hopes and aspirations, sharing in each other's joys and sorrows. While guaranteeing this basic unity of the State, our constitution must not permit the concentration of power and privilege in the hands of any particular group or territorial region. It must afford the fullest possibilities to each of these groups to grow and flourish in conformity with their cultural characteristics without detriment to the integral unity of the State or the requirements of our social and economic policies. Now let us take up an issue of basic importance which involves the fundamental character of the State itself. As an instrument of the will of a self-determining people who

now become sovereign in their own right, the Constituent Assembly will now re-examine and decide upon the future of the present ruling dynasty, in respect of its authority.

It is clear that this dynasty can no longer exercise authority on the basis of an old discredited Treaty. During my trial for sedition in the 'Quit Kashmir' movement, I had clarified the attitude of my party when I said:

'The future constitutional set-up in the State of Jammu & Kashmir cannot derive authority from the old source of relationship which was expiring and was bound to end soon. The set-up could only rest on the active will of the people of the State, conferring on the head of the State the title and authority drawn from the true and abiding source of sovereignty, that is the people.'

On this occasion, in 1946, I had also indicated the basis on which an individual could be entrusted by the people with the symbolic authority of a Constitutional Head:

'The State and its Head represent the constitutional circumference and the centre of this sovereignty respectively, the Head of the State being the symbol of the authority with which the people may invest him for the realization of their aspirations and the maintenance of their rights'.

In consonance with these principles, and in supreme fulfillment of the people's aspirations, it follows that a Constitutional Head of the State will have to be chosen to exercise the function which this Assembly may chose to entrust to him.

So far as my Party is concerned, we are convinced that the institution of monarchy is incompatible with the spirit and needs of modern times which demand an egalitarian relationship between one citizen and another. The supreme test of a democracy is the measure of equality of opportunity that it affords to its citizens to rise to the highest point of authority and position. In consequence monarchies are fast disappearing from the world picture, as something in the nature of feudal anachronisms. In India, too, where before the partition, six hundred and odd Princes exercised rights and privileges of ruler ship, the process of democratization has been taken up and at present hardly ten of them exercise the limited authority of constitutional heads of States. After the attainment of complete power by the people, it would have been an appropriate gesture of good will to recognize Maharaja Hari Singh as the first constitutional Head of the State. But I must say with regret that he has completely forfeited the confidence of every section of the people. His incapacity to adjust himself to changed conditions and his antiquated views on vital problems constitute positive disqualifications for him to hold the high office of a democratic Head of the State. Moreover, his past actions as a ruler have proved that he is not capable of conducting himself with dignity, responsibility and impartiality. The people still remember with pain and

regret his failure to stand by them in times of crisis, and his incapacity to afford protection to a section of his people in Jammu.

Finally we come to the issue which has made Kashmir an object of world interest, and has brought her before the forum of the United Nations. This simple issue has become so involved that people have begun to ask themselves after three and a half years of tense expectancy. 'Is there any solution?' Our answer is in the affirmative. Everything hinges round the genuineness of the will to find a solution. If we face the issue straight, the solution is simple. The problem may be posed in this way. Firstly, was Pakistan's action in invading Kashmir in 1947 morally and legally correct, judged by any norm of international behavior? Sir Owen Dixon's verdict on this issue is perfectly plain. In unambiguous terms he declared Pakistan an aggressor. Secondly, was the Maharajah's accession to India legally valid or not? The legality of the accession has not been seriously questioned by any responsible or independent person or authority.

These two answers are obviously correct. Then where is the justification of treating India and Pakistan at par in matters pertaining to Kashmir? In fact, the force of logic dictates the conclusion that the aggressor should withdraw his armed forces, and the United Nations should see that Pakistan gets out of the State.

In that event, India herself, anxious to give the people of the State a chance to express their will freely, would willingly cooperate with any sound plan of demilitarization. They would withdraw their forces, only garrisoning enough posts to ensure against any repetition of that earlier treacherous attack from Pakistan.

These two steps would have gone a long way to bring about a new atmosphere in the State. The rehabilitation of displaced people, and the restoration of stable civic conditions would have allowed people to express their will and take the ultimate decision.

We as a Government are keen to let our people decide the future of our land in accordance with their own wishes. If these three preliminary processes were accomplished, we should be happy to have the assistance of international observers to ensure fair play and the requisite conditions for a free choice by the people.

Instead invader and defender have been put on the same plane. Under various garbs, attempts have been made to sidetrack the main issue. Sometimes against all our ideals of life and way of living attempts to divide our territories have been made in the form of separation of our state religion wise, with ultimate plans of further disrupting territorial integrity. Once an offer was made to police our country with Commonwealth forces, which threatens to bring in Imperial control by the back door. Besides the repugnance which our people have however, to the idea of bringing foreign troops on their soil, the very presence of Commonwealth troops could have created

suspensions among our neighbors that we were allowing ourselves to be used as a base of possible future aggression against them. This could easily have made us into a second Korea. The Cabinet Mission Plan has provided for three courses which may be followed by the Indian States when determining future affiliations. A State can either accede to India or accede to Pakistan, but failing to do either, it still can claim the right to remain independent. These three alternatives are naturally open to our State. While the intention of the British Government was to secure the privileges of the Princes, the representatives of the people must have the primary consideration of promoting the greatest good of the common people. Whatever steps they take must contribute to the growth of a democratic social order wherein all invidious distinctions between groups and creeds are absent. Judged by these supreme considerations, what are the advantages and disadvantages of our State's accession to either India or Pakistan or of having an independent Status.

As a realist I am conscious that nothing is all black or all white, and there are many facts to each of the propositions before us. I shall first speak on the merits and demerits of the State's accession to India. In the final analysis, as I understand it, it is the kinship of ideals which determines the strength of ties between two States. The Indian National Congress has consistently supported the cause of the State's peoples' freedom. The autocratic rule of the Princes has been done away with and representative government have been entrusted with the administration. Steps towards democratization have been taken and these have raised the people's standard of living, brought about much-needed social reconstruction, and above all built up their very independence of spirit. Naturally, if we accede to India there is no danger of a revival of feudalism and autocracy. Moreover, during the last four years the Government of India has never tried to interfere in our internal autonomy this experience has strengthened our confidence in them as a democratic State. The real character of a State is revealed in its Constitution. The Indian Constitution has set before the country the goal of secular democracy based upon justice, freedom and equality for all without distinction. This is the bedrock of modern democracy. This should meet the argument that the Muslims of Kashmir cannot have security in India, where the large majority of the population are Hindus. Any unnatural cleavage between religious groups is the legacy of Imperialism, and no modern State can afford to encourage artificial division if it is to achieve progress and prosperity. The Indian Constitution has amply and finally repudiated the concept of a religious State, which is a throw back to medievalism, by guaranteeing the equality of rights of all citizens irrespective of their religion, color, caste and class.

The national movement in our State naturally gravitates towards these principles of secular democracy. The people here will never accept a principle which seeks to favor the interests of one religion or social group against another. This affinity in political principles, as well as in past association, and our common path of suffering in the cause of freedom, must be weighed properly while deciding the future of the State.

We are also intimately concerned with the economic well-being of the people of this State. As I said before while referring to constitution building, political ideals are often meaningless unless linked with economic plans. As a State, we are concerned mainly with agriculture and trade. As you know, and I have detailed before, we have been able to put through our 'land to the tiller' legislation and make of it a practical success. Land and all it means is an inestimable blessing to our peasants who have dragged along in servitude to the landlord and his allies for centuries without number. We have been able under present conditions to carry these reforms through, are we sure that in alliance with landlord-ridden Pakistan, with so many feudal privileges intact, that the economic reforms of ours will be tolerated? We have already heard that news of our Land Reforms has travelled to the peasants of the enemy-occupied area of our State, who vainly desire like status, and like benefits. In the second place, our economic welfare is bound up with our arts and crafts. The traditional markets for these precious goods for which we are justly known all over the world, have been centred in India. The volume of our trade, in spite of the dislocation of the last few years, shows this. Industry is also highly important to us. Potentially we are rich in minerals, and in the raw materials of industry; we need help to develop our resources. India, being more highly industrialized than Pakistan, can give us equipment, technical services and materials. She can help us too in marketing. Many goods also which it would not be practical for us to produce here for instance sugar, cotton, cloth, and other essential commodities, can be got by us in large quantities from India. It is around the efficient supply of such basic necessities that the standard of the man in the street depends.

I shall refer now to the alleged disadvantages of accession to India. To begin with, although the land frontiers of India and Kashmir are contiguous, an all-weather road-link as dependable as the one we have with Pakistan does not exist. This must necessarily hamper trade and commerce to some extent particularly during the snowy winter months. But we have studied this question, and, with improvements in modern engineering, if the State wishes to remain with India the establishment of an all-weather stable system of communication is both feasible and easy. Similarly, the use of the State rivers as a means of timber transport is impossible if we turn to India, except in Jammu where the river Chenab still carries logs to the plains. In reply to this argument, it may be pointed out that accession to India will open up possibilities of utilizing our forest wealth for industrial purposes and that, instead of lumber, finished goods, which will provide work for our carpenters and laborers, can be exported to India where there is a ready market for them. Indeed in the presence of our fleets of timber carrying trucks, river-transport is a crude system which inflicts a loss of some 20% to 35%, in transit. Still another factor has to be taken into consideration. Certain tendencies have been asserting themselves in India which may in the future convert it into a religious State wherein the interests of Muslims will be jeopardized. This would happen if a communal organization had a dominant hand in the

Government, and Congress ideals of the equality of all communities were made to give way to religious intolerance. The continued accession of Kashmir to India should, however, help in defeating this tendency. From my experience of the last four years, it is my considered judgment that the presence of Kashmir in the Union of India has been the major factor in establishing relations between the Hindus and Muslims of India. Gandhiji was not wrong when he uttered words before his death which paraphrase, 'I lift up mine eyes into the hills, from whence cometh my help.'

As I have said before, we must consider the question of accession with an open mind, and not let our personal prejudices stand in the way of a balanced judgment. I will now invite you to evaluate the alternative of accession to Pakistan.

The most powerful argument which can be advanced in her favor is that Pakistan is a Muslim State, and, big majority of our people being Muslims the State must accede to Pakistan. This claim of being a Muslim State is of course only a camouflage. It is a screen to dupe the common man, so that he may not see clearly that Pakistan is a feudal State in which a clique is trying by these methods to maintain itself in power. In addition to this, the appeal to religion constitutes a sentimental and a wrong approach to the question. Sentiment has its own place in life but often it leads to irrational action. Some argue, as supposedly natural corollary to this, that on our acceding to Pakistan our annihilation or survival depends. Facts have disproved this, right-thinking men would point out that Pakistan is not an organic unity of all the Muslims in this subcontinent. It has on the contrary, caused the dispersion of the Indian Muslims for whose benefit it was claimed to have been created. There are two Pakistan's at least a thousand miles apart from each other. The total population of Western Pakistan which is contiguous to our State is hardly 15 million. While the total number of Muslims, resident in India is as many as 40 million. As one Muslim is as good as another, the Kashmiri Muslims if they are worried by such considerations should choose the forty millions living in India. Looking at the matter too from a more modern political angle religious affinities alone do not and should not normally determine the political alliance of States. We do not find a Christian bloc, a Buddhist bloc, or even a Muslim bloc, about which there is so much talk nowadays in Pakistan. These days economic interests and a community of political ideals more appropriately influence the policies of States.

We have another important factor to consider, if the State decides to make this the predominant consideration. What will be the fate of the one million non-Muslims now in our State? As things stand at present, there is no place for them in Pakistan. Any solution which will result in the displacement or the total subjugation of such a large number of people will not be just or fair, and it is the responsibility of this House to ensure that the decision that it takes on accession does not militate against the interests of any religious group. As regards the economic advantages, I have mentioned before the road and river links with Pakistan. In the last analysis, we must however

remember that we are not concerned only with the movement of people but also with the movement of goods and the linking up of markets. In Pakistan there is a chronic dearth of markets for our products. Neither, for that matter, can she help us with our industrialization, being herself industrially backward. On the debit side we have to take into account the reactionary character of her politics and State policies. In Pakistan we should remember that the lot of the States' subjects has not changed and they are still helpless and under the heel of their Rulers, who wield the same unbridled power under which we used to suffer here. This clearly runs counter to our own aspirations for freedom. Another big obstacle to a dispassionate evaluation of her policies is the lack of a constitution in Pakistan. As it stands at present, this State enjoys the unique position of being governed by a Constitution enacted by an outside Parliament which gives no idea whatsoever of the future shape of civic and social relations. It is reasonable to argue that Pakistan cannot have the confidence of a freedom-loving and democratic people when it has failed to guarantee even fundamental rights of its citizens. The right of self-determination for nationalities is being consistently denied and those who fought against Imperialism for this just right are being suppressed with force. We should remember Badshah Khan and his comrades who laid down their all for freedom, also Khan Abdus Samad Khan and other fighters, in Baluchistan. Our national movement in the State considers this right of self-determination inalienable, and no advantage, however great, will persuade our people to forego it.

The third course open to us has still to be discussed. We have to consider the alternative of making ourselves an Eastern Switzerland, of keeping aloof from both States but having friendly relations with them. This might seem attractive in that it would appear to pave the way out of the present deadlock. To us as a tourist country it could also have certain obvious advantages, but in considering independence we must not ignore practical considerations. Firstly, it is not easy to protect sovereignty and independence in a small country which has not sufficient strength to defend itself on our long and difficult frontiers bordering so many countries. Secondly we must have the goodwill of all our neighbors. Can we find powerful guarantors among them to pull together always in assuring us freedom from aggression? I would like to remind you that from August 15 to October 22, 1947 our State was independent and the result was that our weakness was exploited by the neighbor with invasion. What is the guarantee that in future too we may not be victims of a singular aggression? I have now put the pros and cons of the three alternatives before you. It should not be difficult for men of discrimination and patriotism gathered in this Assembly to weigh all these in the scales of our national good and pronounce where the true well-being of the country lies in the future.

APPENDIX V

KASHMIR ACCORD

November 13, 1974

Indira Gandhi
Sheikh Mohammad Abdullah

Agreed conclusions which led to Sheikh Mohammad Abdullah's accord with Mrs. Indira Gandhi, Prime Minister, and his subsequent assumption of office as Chief Minister in February 1975:

1. The State of Jammu & Kashmir which is a constituent unit of the Union of India, shall, in its relation with the Union, continue to be governed by Article 370 of the Constitution of India.
2. The residuary powers of legislation shall remain with the State; however, Parliament will continue to have power to make laws relating to the prevention of activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about secession of a part of the territory of India from the Union or causing insult to the Indian National Flag, the Indian National Anthem and the Constitution.
3. Where any provision of the Constitution of India had been applied to the State of Jammu & Kashmir with adaptations and modifications, such adaptations and modifications can be altered or repealed by an order of the President under Article 370, each individual proposal in this behalf being considered on its merits; but provisions of the Constitution of India already applied to the State of Jammu & Kashmir without adaptation or modification are unalterable.
4. With a view to assuring freedom to the State of Jammu & Kashmir to have its own legislation on matters like welfare measures, cultural matters, social security, personal law and procedural laws, in a manner suited to the special conditions in the State, it is agreed that the State Government can review the laws made by Parliament or extended to the State after

1953 on any matter relatable to the Concurrent List and may decide which of them, in its opinion, needs amendment or repeal. Thereafter, appropriate steps may be taken under Article 254 of the Constitution of India. The grant of President's assent to such legislation would be sympathetically considered. The same approach would be adopted in regard to laws to be made by Parliament in future under the Proviso to clause 2 of the Article. The State Government shall be consulted regarding the application of any such law to the State and the views of the State Government shall receive the fullest consideration.

5. As an arrangement reciprocal to what has been provided under Article 368, a suitable modification of that Article as applied to the State should be made by Presidential order to the effect that no law made by the Legislature of the State of Jammu & Kashmir, seeking to make any change in or in the effect of any provision of Constitution of the State of Jammu & Kashmir relating to any of the under mentioned matters, shall take effect unless the Bill, having been reserved for the consideration of the President, receives his assent; the matters are:
 - (a) the appointment, powers, functions, duties, privileges and immunities of the Governor, and
 - (b) the following matters relating to Elections namely, the superintendence, direction and control of Elections by the Election Commission of India, eligibility for inclusion in the electoral rolls without discrimination, adult suffrage and composition of the Legislative Council, being matters specified in sections 138, 139, 140 and 50 of the Constitution of the State of Jammu & Kashmir.
6. No agreement was possible on the question of nomenclature of the Governor and the Chief Minister and the matter is therefore, remitted to the Principals.

Mirza Mohammad Afzal Beg
G. Parthasarathi
New Delhi, November 13, 1974

APPENDIX VI

SELECT LIST OF MILITANT GROUPS OF JAMMU AND KASHMIR

Ababeel Tigers
Afghan Commando Force
Al Amal Shia Front
Al-Berq
Al-Amin Liberation Organization
Al-Asifa Organization
Al-Badar
Al-Bilal Liberation Tigers
Al-Duasa Mujahideen
Al-Fateh
Al-Hamza
Al-Hamza Commandos
Al-Inquilab
Al-Islam
Al-Jang
Al-Jehad
Al-Jehadiya Commandos
Al-Karaballai
Al-Khalic Tanzeem J&K
Al-Khomeni
Al-Khomeni Mujahideen
Al-Madad
Al-Madad Yalgar-e-Ali
Al-Mehmood Tehreek Mujahideen
Al-Mujahid
Al-Mujahideen Fil Islam
Al- Mustafa Liberation Tigers
Al-Nisar Mujahideen
Al-Shamas

Al-Sumayah (Women's wing)
Al-Umar Mujahideen
Al-Umar Mujahideen Commando Group
Alhaft Mujahideen
All J&K Hizbul Mujahideen
All J&K Modern Muslim Organization
All J&K Azad Soldiers Field Front
Allah Nigehban Party
Allah Tigers
Ansar Ullah
Armed Muslah Mujahideen
Binat-ul-Islam
Choudhary Abbas Movement
Council of Kashmir Movement
Dukhtaran-e-Kashmir
Dukhtaran-e-Millat
Falah-e-Aam Anjuman
Forum Against Sell Out Autanee
Green Army
Gujjar Liberation Tigers
Gujjar Tigers
Haq Khud Iraieta Mahaz
Harkat-ul-Islamic J&K
Harkat-e-Jehad
Harkat-ul-Mujahideen
Hay-e-Allah Jihad
Hizb-i-Islamia

Hizb-e-Mujahideen Kashmir
Hizbul Jihad
Hizbul Momineen
Hizbullah
Hizbullah Islamic Jamhoriyat J&K
Hubbe Rasool
Hussani Tigers
Hussani Liberation Force
Ikhwan-ul-Mujahideen
Ikhwan-e-Muslemeen
Islami Jamoorihia
Islami Mujahideen
Islami Tehrik Inquilab
Islami Solution Front
Islamic Commando Group
Islamic Jamiat-ul-Tulba
Islamic Jung
Islamic Liberation Army
Islamic Revolutionary Front
Islamic Student Liberation Organization
Islamic Students League
Islamic Inqilabi Front
Ithad-ul-Muslimeen
J&K Al-Inquilab
J&K Al-Mujahid
J&K Liberation Front
J&K Hizbul Haq
J&K Islamic Front
J&K Liberation Council
J&K Liberation Front
J&K Liberation Front (Women's wing)
J&K Liberation Organization
J&K Modern Muslim Organization
J&K Peoples National Army
J&K Sikh Tigers
J&K Students Liberation Front
Jehad Coordination
Jehad Force/ Peoples League (Abdul Aziz group)
Jehad-ul-Muslimeen
Kashmir Ayoubi
Kashmir Freedom Army

Kashmir Freedom Movement
Kashmir Front
Kashmir Guerrilla Front
Kashmir Islamic Liberation League
Kashmir Ittehad Party
Kashmir Liberation Alliance
Kashmir Liberation Army
Kashmir Liberation Movement
Kashmir Liberation Organization
Kashmir Liberation Tigers
Kashmir Muslim Association
Kashmir Muslim Militia
Kashmir Students Force
Kashmir Victory Commandos
Khalistan Liberation Organization
Lashkar-i-Toiba
Lashkar-e-Umar
Lashkari Huda
Mahaz-e-Azadi
Majlis Tulbari Islam
Majlis-e-Islamia
Majlis-e-Tulba-e-Islam
Maqbool Guerrilla Front
Mehdi Commando Force
Mohammadis Tigers
Mujahideen Jang-e-Badher
Mujahideen Khaliq
Mujahideen-e-Islam
Mujahideen-e-Kashmir
Muslim Black Force
Muslim Guerrilla Front
Muslim Janbaaz Force
Muslim Khawateen Markaz
Muslim Mujahideen
Muslim Nigrani Force
Muslim Nowjawan Front
Muslim Ranger Force
Muslim Republican Party
Muslim Students Federation
Muslim Tigers Force
Muttahida Jihad Council
Muttahida Jihad
Nizam-i-Mustafa
Operation Balakote

Pasdar-e-Islam	Tehrik Islamia
Passbani Islam	Tehrik-e-Jihad J&K
Paymee Mujahideen	Tehrik-e-Huriat-e-Kashmir
Peoples Kashmir Liberation Front	Tehrik-e-Jehad-e-Islami
Peoples League	Tehrik-e-Nifaz Shariat Islami J&K
Sada-e-Momin	Tigers Liberation Front
Save Kashmir	Toofan Tigers
Shaheed-e-Millat Forum	Urban Guerrilla Army
Shia Youth League	Wahdarti Islami
Students Freedom Movement	Women's Patriotic Front
Students Missionary Front	Yalgar-e-Haider
Students Union Front	Yalgar-e-Asaad
Sunni Muslim Force	Youngmen's Revolutionary
Tanjim-ul-Umar	Organization
Tariq Janbaaz Force	Zarb-e-Kaleem
Tehreek Nifaz Islahet	Zarb-e-Momin
Tehreek-ul-Mujahideen	Zia Missionary Force
Tehrik Islami	Zia Tigers

APPENDIX VII

THE ALL PARTIES HURRIET (FREEDOM) CONFERENCE CONSTITUTION (EXCERPTS)

KASHMIR (Officially called 'Jammu & Kashmir' State as it existed before or on 15th August 1947) is passing through a nightmare. This paradise on earth has turned into a hell for its own inhabitants. They are being hunted, hounded and humiliated in their own land by the Indian Occupied Forces. Indiscriminate killing, torture, rape, molestation, plunder, arson, custodial killings, besides illegal and unlawful arrests, have become the order of day ever since January 1990, when the people of Kashmir started an open revolt against India to press their demand for the achievement of the right of self-determination pledged by India, Pakistan and United Nations and recognized by the Indian Constitution. Guided by the collective feeling for a collective approach, Mirwaiz Moulvi Mohammad Umar Farooq, Chairman, J&K Awami Action Committee, on 27th December 1992 called a meeting of the representatives of various religious, social and political organizations at Mirwaiz Manzil, Srinagar to consider ways and means to meet the growing menace of oppression and suppression by the Indian Security Forces. Mirwaiz presided over the meeting. The suggestions made in the meeting were referred for examination and report to a Screening Committee consisting of (1) Jenab M.M. Mubarki, Convenor, (2) Jenab Syed Ali Shah Geelani, (3) Jenab Moulvi Abbas Ansari, Member, (4) Jenab Yousu-ul-Umar, Member, (5) Jenab Shabir Ahmed Siddiqi, (6) Jenab S. Hamid, (7) Jenab Ghulam Mohammad Bhut, Member, (8) Jenab Peer Hafizullah Mukhdoomi, Member. After considering the report of the Screening Committee, the Assembly of Representatives on 8th March 1993, decided to have a common political platform under the name and style of 'ALL PARTIES HURRIET (FREEDOM) CONFERENCE'. They passed a resolution setting out the objectives of the Conference and appointed a committee consisting of (1) Jenab Justice (ret'd) Mufti Bahaudin Farooqi, Ex-Chief Justice of Jammu & Kashmir High Court, Chairman, (2) Jenab Nazir Ahmed Ronga, Advocate, Convenor, (3) Jenab M. Muzaffar Jan, (ret'd) District and Sessions Judge,

Member (4) Jenab Mian Abdul Qayoom, Advocate, Member, (5) Jenab Shabir Ahmed Siddiqi, Member, (6) Jenab Firdous Aasmi, Member, (7) Jenab Peer Hafizullah Mukhdoomi, (8) Jenab Ghulam Rasool Wani, (9) Shahid-ul-Islam, Advocate, Member, for the purpose of drafting a constitution for the Conference. The draft Constitution prepared by the Committee was considered by the Assembly of Representatives in their meeting held on 31st July 1993. The Constitution as finally approved and adopted by the Assembly is published herewith for general information.

CHAPTER I: NAME AND COMPOSITION OF THE ALL PARTIES HURRIET CONFERENCE

1. *Name and composition of the Conference*

- (i) The All Parties Hurriet Conference shall be a union of political, social and religious organizations of the State of Jammu & Kashmir with its Head Office at Srinagar.
- (ii) The Conference shall comprise:
 - (a) The organizations as specified in the schedule; and
 - (b) Such other organizations as may be admitted into the Conference hereafter.

CHAPTER II: OBJECTIVES OF THE ALL PARTIES HURRIET CONFERENCE

2. *Objectives of the Conference:*

The objectives for which The All Parties Hurriet Conference has been formed shall be as follows:

- (i) To make peaceful struggle for the people of the State of Jammu & Kashmir in the exercise of the right of self-determination in accordance with the U.N. Charter and the resolutions adopted by the U.N. Security Council. However, the exercise of the right of self-determination shall also include the right to independence.
- (ii) To make endeavours for an alternative negotiated settlement of the Kashmir dispute amongst all the three parties of the dispute, viz., (a) INDIA, (b) PAKISTAN, (c) PEOPLE OF THE STATE OF JAMMU AND KASHMIR, under the auspices of U.N. or any other friendly countries. Provided that such settlement reflects the will and aspirations of the people of the State.
- (iii) To project ongoing struggle, in the State before the nations and governments of the world in its proper perspective as being a struggle directed against the forcible and fraudulent occupation of the State by India and for the achievement of the right of self-determination of its people.

- (iv) To make endeavours, in keeping with the Muslim-majority character of the State, for promoting the building of a society based on Islamic values; while safeguarding the rights and interests of the non-Muslims.
- (v) To make endeavours for the achievement of any objectives which may be ancillary or incidental to the objectives specified above.

Explanation

For the removal of doubts, it is hereby declared that in this Article; negotiated settlement shall not be deemed to include any settlement within the framework of the Constitution of India.

CHAPTER III: THE EXECUTIVE

3. (i) *Executive Council.* The executive powers of The All Parties Hurriet Conference shall be vested in the Executive Council, with President at its head and shall be exercised by it directly or otherwise as provided in the constitution.
- (ii) Nothing in this Article shall be deemed to transfer to The All Parties Hurriet Conference powers and functions of an affiliated organization in respect of matters other than those specified in Article 2.

4. *Election of the Executive Council*

- (i) The Executive Council shall consist of SEVEN members. These members shall be chosen amongst the members heading then [*sic*] political organizations, or their representatives in exceptional cases as the case may be forming the constituent part of the Conference by an electorate consisting of two representatives including the head of each constituent organization provided that no such head of the organization shall be eligible for election unless he has offered himself for the same.
- (ii) The election shall be held by ballot.
- (iii) The duration of the Executive Council shall be two years from the date of assuming its office.

5. *Terms of Office, Members of Executive Council*

- (i) The terms of office of members of Executive Council shall be two years commencing from the date of his election to the Council.
- (ii) A member of the Executive Council may be writing under his hand addressed to the President, resign his office and, thereupon cease to hold his office as such.
- (iii) A member of the Executive Council shall cease to hold the office if, he fails to attend the meetings of the Council or perform the functions assigned to him continuously for a period of three months without any reasonable cause.

- (iv) When a vacancy occurs in the office of the member of the Executive Council by reasons of his death, resignation, or otherwise, it shall be filled up as soon as may be, but not later than one month thereafter, in accordance with and subject to the provisions of Article 4.
- (v) A person who has held office of a member of the Executive Council shall subject to the provisions of Article 4, be eligible for re-election to that office; except when he had ceased to be such member.
- (vi) A member chosen to fill a casual vacancy shall serve for the remainder of the predecessor's term of office.

6. *President*

- (i) Upon its first constitution, the Executive Council shall choose one member of the Council to be the President of the All Parties Hurriet Conference.
- (ii) The election under clause (1) shall be held by show of hand, unless otherwise desired by the members.

7. *Terms of Office of the President*

- (i) The President shall hold office for two years.
- (ii) (a) The President shall vacate office if he ceases to be a member of the Executive Council.
- (b) May, at any time, resign his office by submitting his resignation to the Executive Council.
- (iii) When the vacancy occurs in the office of the President by reason of his death, resignation or ceasing to be a member of the Executive Council, it shall be filled up as soon as may be, but not later than one month thereafter, in accordance with and subject to the provisions of Article 6 of this constitution.
- (iv) A person who has held office as President, subject to the provision of Article 6, be eligible for re-election except when he had to vacate office due to his recall from the membership of the Executive Council.

8. *Nominations*

The Executive Council may recommend to the General Council to nominate whenever it considers necessary to do so, any person as a member of the General Council for such term as it may determine; Provided that the total number of nominations may not be more than two; Provided further that a nominated member shall be entitled to take part in the proceedings of the General Council but he shall not have right to vote.

9. *Secretarial Staff*

- (i) The Executive Council shall have such staff as it considers necessary for the efficient performance of its functioning.

- (ii) The remuneration and other conditions of service of the persons appointed to the secretarial staff shall be such as may be determined by the President.

10. *Conduct of Business*

The Executive Council shall meet and shall, from time to time, make such arrangements with regard to the management and adjournment of its meetings, as it thinks fit, subject to the following provisions, namely:

- (a) The Executive Council shall ordinarily meet once a month.
- (b) The President may, whenever he thinks fit, call special meetings.
- (c) Every meeting shall be presided over by the President and, in his absence, by any member of the Executive Council chosen by the members to preside for the occasions.
- (d) All matters at a meeting shall be decided by a majority of votes, in case of equality, the President or the person presiding shall have and exercise a second or casting vote.
- (e) The minutes of the proceedings of each meeting shall be recorded by the secretary in a book to be provided for that purpose.
- (f) The President with the approval of The All Parties Hurriet Conference—Executive Council may nominate committees such as Legal Defence, Relief, Co-ordination or any other committee which may be deemed fit. The members of these committees may be nominated from the General Council of The All Parties Hurriet Conference.

11. *Quorum*

The quorum for the meeting shall be four members of the Executive Council.

12. *Power of the Executive Council to Act Notwithstanding the Vacancies*

The Executive Council shall have power to act notwithstanding any vacancy in the membership thereof any proceedings of the Executive Council shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled to do so at, or voted or otherwise took part in the proceedings.

13. *Official Spokesman*

The Executive Council may appoint one of its members to act as its official spokesman who shall, whenever it is necessary to do so, explain the official viewpoint concerning matters pertaining to The All Parties Hurriet Conference including its policies and programmes. Provided that such official spokesman shall not commit The All Parties Hurriet Conference to any viewpoint which is not rooted in the Constitution or the decisions of the Executive Council. Provided further that nothing herein shall preclude the President from making statements in regard to the aforementioned matters.

14. *Business Arrangements*

Subject to the provisions of this constitution, the Executive Council shall make suitable arrangements for the proper and efficient management of its business and regulation of the affairs of The All Parties Hurriet Conference.

15. *Finance*

The Executive Council shall also act as the finance committee of The All Parties Hurriet Conference.

CHAPTER IV: AMENDMENT TO THE CONSTITUTION

An amendment to the Constitution may be initiated by moving a resolution for the proposed in the General Council and when the resolution is passed by a majority of not less than two-third of the total membership thereof, it shall stand amended in accordance with the terms of the resolution.

Provided that no resolution or amendment seeking to make any change in Article 2 shall be moved in the General Council.

CHAPTER V

- (a) The Executive Council shall be answerable for its actions before the General Council which shall meet after every two months or may be summoned by the Executive Council as and when it deems necessary.
- (b) The attitude or statement of a member party of The All Parties Hurriet Conference should not differ with the main objectives of this Constitution. If it happens so, the said member party shall be disqualified from the Conference.
- (c) The General Council shall make suitable arrangements for the convenient and efficient management of its business.

Members of the Executive Council of the All Parties Hurriet Conference

- (1) Maulana M. Abbas Ansari, Ittihadul Muslimeen
- (2) Mirwaiz Moulvi Umar Farooq, Awami Action Committee
- (3) Professor Abdul Gani, Muslim Conference
- (4) Syed Ali Shah Geelani, Jamaat-i-Islami
- (5) Abdul Gani Lone, People's Conference
- (6) Mohammad Malik, Jammu & Kashmir Liberation Front
- (7) Shabir Ahmed Shah, People's League

Members of the General Council

- (1) J&K Awami Action Committee
- (2) Jamaat-i-Islami
- (3) J&K Liberation Front

- (4) J&K People's League
- (5) J&K People's Conference
- (6) J&K Itihad-ul Muslimeen
- (7) J&K Muslim Conference
- (8) J&K Liberation Council
- (9) J&K Muslim League
- (10) J&K Mahaz-e-Azadi
- (11) J&K Political Conference
- (12) Students Association
- (13) Muslim Khawatin Markaz
- (14) Jamiat Ahli Hadies (J&K)
- (15) Bazmi Tawheed Ahli Hadies (J&K)
- (16) Anjuman-i-Tableeg-ul-Islam
- (17) Jamiat-i-Ulmai Islam Kashmir
- (18) Jamiat-i-Hamdania (J&K)
- (19) Anjuman-i-Auquaf-i-Jamia Masjid
- (20) J&K Muslim Auquaf Trust
- (21) Umat-i-Islamia (J&K)
- (22) Employees and Workers Confederation (Istiaq Group)
- (23) Employees and Workers Confederation (Aasmi Group)
- (24) Islamic Study Circle
- (25) Islamic Students League
- (26) Anjumani-i-Sharie Shian (J&K)
- (27) Basic Human Rights (Justice M. Bahaudin Farooqi)
- (28) Human Rights Organization (G.N. Hagroo) Advocate
- (29) Shaheed-i-Millat Youth Forum
- (30) Kashmir Bar Association
- (31) Mahaz-i-Islami (J&K)
- (32) Dukhtaran-e-Millat
- (33) Peoples Political Front
- (34) Khalafat-i-Islamia (J&K)

Acceptance yet to receive
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APPENDIX VIII

J&K GOVERNMENT ORDER TO SET UP THE STATE AUTONOMY COMMITTEE (Government of Jammu and Kashmir) General Administration Department

Subject: Setting up of Committee to examine the question of restoration of autonomy to the State of Jammu & Kashmir.

Ref: Cabinet Decision No. 11 dated 25-11-1996

Government Order No.: 1164-GAD of 1996

Dated: 29-11-1996

Sanction is accorded to the formation of the following committee to examine the question of restoration of autonomy to the state of Jammu & Kashmir:

- | | |
|-----------------------------------|----------|
| 1. Dr. Karan Singh | Chairman |
| 2. Shri Mohi-ud-Din Shah | Member |
| 3. Shri Abdul Ahad Vakil | Member |
| 4. Shri Abdul Rahim Rather | Member |
| 5. Shri Piary Lal Handoo | Member |
| 6. Shri Bodh Raj Bali | Member |
| 7. Moulvi Iftikhar Hussain Ansari | Member |
| 8. Kushok Thiksey | Member |
| 9. Shri Teja Singh | Member |

The Committee shall have the following terms of reference:

- (i) To examine and recommend measures for the restoration of autonomy to the State of Jammu & Kashmir consistent with the Instrument of Accession, the Constitution Application Order, 1950 and the Delhi Agreement of 1952.
- (ii) To examine and recommend safeguards that be regarded necessary for incorporation in the Union/State Constitution to ensure that the Constitutional arrangement that is finally evolved in pursuance of the recommendations of this Committee is inviolable.
- (iii) To also examine and recommend measures to ensure a harmonious relationship for the future between the State and the Union.

By order of the Government of Jammu & Kashmir

G.M. Thakur

Commr./Secretary to Government

Copy to:

1. Dr. Karan Singh, Chairman of the Committee
2. Shri Mohi-ud-Din Shah, Member of the Committee
3. Shri Abdul Ahad Vakil, Member of the Committee
4. Shri Abdul Rahim Rather, Member of the Committee
5. Shri Bodh Raj Bali, Member of the Committee
6. Shri Piary Lal Handoo, Member of the Committee
7. Moulvi Iftikhar Hussain Ansari, Member of the Committee
8. Kushok Thiksey, Member of the Committee
9. Shri Teja Singh, Member of the Committee

Copy also to:

1. Principal Secretary to Chief Minister
2. Principal Secretary to Governor
3. Private Secretaries to all Cabinet Ministers/Ministers of State/Deputy Ministers
4. Private Secretary to Chief Secretary
5. Government Order file

Composition of Jammu & Kashmir State Autonomy Committee

- | | |
|---|---------------------|
| 1. Dr. Karan Singh | Chairman |
| 2. Shri Mohi-ud-Din Shah
Minister for PWD, Jammu & Kashmir Government | Member |
| 3. Shri Abdul Ahad Vakil
Minister for Revenue, Jammu & Kashmir Government | Member |
| 4. Shri Abdul Rahim Rather
Minister for Agriculture, Jammu & Kashmir Government | Member |
| 5. Shri Piary Lal Handoo
Minister for Law, Jammu & Kashmir Government | Member |
| 6. Moulvi Iftikhar Hussain Ansari
Minister for Housing & Urban Development
Department, Jammu & Kashmir Government | Member |
| 7. Shri Bodh Raj Bali
Minister for Industries & Commerce,
Jammu & Kashmir Government | Member |
| 8. Kushok Thiksey
Deputy Minister of Tourism,
Jammu & Kashmir Government | Member |
| 9. Shri Teja Singh
Former Addl. Chief Secretary and Chairman,
Jammu & Kashmir Public Service Commission | Member-
Convenor |

APPENDIX IX

**J&K GOVERNMENT ORDER TO SET UP THE
REGIONAL AUTONOMY COMMITTEE**
(Government of Jammu and Kashmir)
General Administration Department

Subject: Regional and Sub-Regional Autonomy within the State Constitution of Committee.

Ref: Cabinet Decision No. 7 dated 13-11-1996 and Cabinet Decision No. 11 dated 25-11-1996.

Government Order No.: 1166-GAD of 1996

Dated: 29-11-1996

With a view to examine the question of regional and sub-regional autonomy within the state, sanction is hereby accorded to the constitution of the following Committee:

- | | |
|----------------------------------|------------------|
| (1) Chief Minister | Chairman |
| (2) Shri Balraj Puri | Working Chairman |
| (3) Maulana Attaullah Soharwardy | Member |
| (4) Shri Pintoo Norboo | Member |
| (5) Shri Mubarak Gul | Member |
| (6) Shri Mushtaq Ahmad Bukhari | Member |

Shri G.A. Lone, Ex-Secretary to Government, Law Department is appointed as Secretary of the Committee.

The Committee shall have the following terms of reference:

- (i) To examine, consistent with the integrity of the State and to promote better involvement and participation of people in different regions for balanced, political, economic, educational, social and cultural development, evolving of instrumentalities, like local organs of power, at all levels.
- (ii) To examine the powers that such organs need to be vested with to achieve the objectives set above.

APPENDIX IX

339

- (iii) To examine whether any change in the State Constitution structure, obtaining as at present, is required.

The Committee will submit its report within a period of six months.
By order of the Government of Jammu & Kashmir.

Sd/-

(G.M. Thakur)

Commr./Secretary to Government
General Adm. Department

No. GAD (Adm) 68/96-11

Dated: 29-11-96

Copy to:

1. Shri Balraj Puri, Working Chairman of the Committee
2. Shri Maulana Attaullah Soharwardy, Member of the Committee*
3. Shri Pintoo Norboo, Member of the Committee
4. Shri Mubarak Gul, Member of the Committee
5. Shri Mushtaq Ahmad Bukhari, Member of the Committee
6. Principal Secretary to Hon'able Chief Minister for Information of the Chief Minister
7. Shri G.A. Lone, Secretary of the Committee

Copy also to:

1. All Financial Commissioners
2. All Addl. Chief Secretaries to Government
3. All Commrs./Secretaries to Government
4. Principal Secretary to His Excellency the Governor
5. Director, Information
6. Pvt. Secretaries to all Cabinet Ministers/Ministers of State/Dy. Ministers
7. Pvt. Secretary to Chief Secretary

**After the death of Maulana Soharwardy, Mr. Mohr. Shaffi, Finance Minister, J&K State, replaced him.*

APPENDIX X

THE STATE AUTONOMY COMMITTEE: RECOMMENDATIONS Jammu, April 1999 (Excerpts)

CHAPTER XIV: SUMMARY OF RECOMMENDATIONS

1. *Temporary, Transitional and Special Provisions (Part X)*

- (i) The word 'temporary' is deleted from the title of part X of the Constitution of India and the word 'temporary' occurring in the heading of Article 370 be substituted by the word 'special'.

2. *Legislative Relations (Part XI)*

- (a) Matters in the Union List not connected with the three subjects of Defence, External Affairs and Communications and/or Ancillary thereto, but made applicable should be excluded from their application to the State.
- (b) All modifications made in Article 246 in its application to the State subsequent to the 1950 order should be rescinded.
- (c) Articles 248, 249, 250 and 251 whether applied in original or substituted/modified form should be omitted from their application to the State.
- (d) As in 1950 and 1954, List II (State) and List III (Concurrent) of the Seventh Schedule should not be applicable to the State.
- (e) Article 254 should be restored to the position it had in its application to the State in 1954.
- (f) Articles 262 and 263 which were not applicable under 1950 Order but were subsequently extended to the State should cease to apply.

3. *Elections (Part XV)*

Changes brought about in this Part be reversed and consequential changes in other Articles in this Part be effected.

4. *Emergency Provisions (Part XVIII)*

- (a) The following should be added to C1.6 of Article 352 in its application to the State:-
'Provided that this request for concurrence of the Government of the State shall be subject to whatever decision the State Assembly may take within two months of declaration of emergency and failing any such decision, the proclamation of emergency shall be deemed to have been revoked.'
- (b) Sub-clause 9b) of C1.6 of this Article should be deleted.
- (c) Articles 355, 356, 357, 358, 359 and 360 should be made non-applicable to the State as was the position in 1954.

5. *Fundamental Rights (Part III)*

This part should be deleted. A separate chapter on Fundamental Rights be included in the State Constitution.

6. *The Union (Part V)*

- (a) Articles 72 (1) (c), 72 (3), 133, 134, 135, 136, 138, 145 (1) (c) and 151 (2) should be made non-applicable to the State as was the position in 1950 Order.
- (b) Articles 149, 150 and 151 should apply to the State in the form in which they were in 1954.

7. *The States (Part VI)*

- (i) Article 218 be omitted in its application to the State and the position as it existed before the Jammu & Kashmir Constitution (First Amendment Act) of 1959 restored.
- (ii) Articles 220, 222 and 226 should also be omitted in its application to Jammu & Kashmir State.

8. *Finance, Property, Contracts and Suits (Part XII)*

The matter may be discussed between the state representatives and the Union Government as agreed to during the talks in 1952 (Delhi Agreement).

9. *Services Under the Union and the States (Part XIV)*

In Article 312, the brackets and words 'including the State of Jammu & Kashmir' inserted by the Constitution (Application to Jammu & Kashmir) Order 1958 be omitted.

10. *Special Provisions Relating to Certain Classes (Part XVI)*

Application of Articles 338, 339, 340, 341 and 342 to the State should be omitted and corresponding provisions made in the State Constitution.

11. Amendment of the Constitution of India (Part XX)

- (i) Clause (4) of Article 368 added vide C.O. 101 be deleted.
- (ii) Clause (2) of the Article should apply with the proviso already introduced by 1954 order and clause (1) thereof which was not in existence in 1954 and was introduced in 1971 should remain omitted in its application to the State.

12. Schedules

In the Seventh Schedule, entries in the Union List not applied to the State by the Constitution (Application to Jammu & Kashmir) Order, 1950 should be omitted. Concurrent List which was not applicable to the State in 1950 but was applied by subsequent orders should cease to apply to the State.

13. Changes in the State Constitution

All amendments in the Constitution of Jammu & Kashmir made vide:

- (i) Constitution of Jammu & Kashmir (First Amendment) Act, 1959 in so far as they relate to superintendence, direction and control of elections to the State Legislature and to the State High Court; and
- (ii) Constitution of Jammu & Kashmir (Sixth Amendment) Act, 1965 relating to change of nomenclature of the Head of the State and State Executive, mode of appointment of the Head of the State and other consequential amendments should be repealed and the original provisions of the Constitution of Jammu & Kashmir restored.

To sum up, the provisions of the Constitution of India specified in the Second Schedule and the matters specified in the First Schedule to the Constitution (Application to Jammu & Kashmir) Order, 1950 and the matters agreed to by the representatives of the State and the Union vide Delhi Agreement of 1952 should continue to apply to the State subject to the same exceptions and modifications as are specified in the said Order and the Delhi Agreement. All Orders issued thereafter under clause (1) of Article 370 of the Constitution of India by the President, applying various provisions and matters of the Constitution of India to the State whether in full or in modified form or making any change in the provisions or matters already applied by 1950 Order or agreed to under Delhi Agreement should be rescinded and the provisions or matters so applied to the State should cease to apply.

Also the changes made in the State Constitution vide Constitution of Jammu & Kashmir (First Amendment) Act, 1959 and Constitution of Jammu & Kashmir (Sixth Amendment) Act, 1965 be repealed and the original provisions of the Constitution of Jammu & Kashmir as adopted by the State Constituent Assembly on November 17, 1956 be restored.

CHAPTER XV: SAFEGUARDS FOR FUTURE

In the preceding chapters, we have discussed in detail the extent to which erosion was caused to the State autonomy from time to time and also suggested remedial measures. That completes the job assigned to us by first

item of the terms of reference. There are, however, two other items which require our consideration. The first is to ensure the 'inviolability' of the final settlement, and the other is to keep in mind the need to maintain 'harmonious' relations with the Centre.

A suggestion has been made that Article 258 should be invoked for entrusting to the State 'functions in relation to any matter to which the executive power of the Union extends'. This would put a seal on the record of the past. 'Functions' so 'entrusted' can always be recalled back. The issue is not one of executive 'functions' but legislative 'powers' apportioned between the Union and the State under two solemn compacts between them, the Instrument of Accession in 1947 and the Delhi Agreement of 1952 to which the President's Order of May 14, 1954 gave constitutional sanction besides, of course, Article 370 itself. To them must we return if popular sentiment is to be respected and resentments assuaged. It is first and foremost a moral issue. It also has important constitutional and political aspects. In the nature of things, redress can only be through another compact between the Union and the State. Once the basic principles are agreed, there will be discussion on procedure. Forty years of unconstitutional practice has created a mess. The best course is for the President to repeal all Orders which are not in conformity with Constitution (Application to Jammu & Kashmir) Order, 1950 and the terms of the Delhi Agreement of 1952.

Ever since Article 370 has acquired a dangerously ambiguous aspect. Designed to protect the State's autonomy, it has been used systematically to destroy it. A compact is necessary between the Union and the State which makes ample redress and finalizes their relationship by declaring a 'Constitutional Understanding' that Article 370 of the Constitution of India can no longer be used to apply to the State of Jammu & Kashmir any other provisions of the Constitution of India beyond the ones extended under the 1950 Order and the Delhi Agreement, 1952. This could be embodied in a new Article that specifies the Agreement as part of the unamendable basic structure of the Indian Constitution.

Such constitutional understandings have been formulated in other democracies. The complexities of the situation render it the best, perhaps the only, course for removing the debris of an unhappy past and building in its place, a relationship between the State of Jammu & Kashmir and the Union of India which reflects the most vital aspect of federalism—mutual trust and respect.

Shri Mohi-ud-Din Shah, Chairman
Shri Abdul Rahim Rather, Member
Shri Piaryay Lal Handoo, Member
Kushok Thiksey, Member
Shri Abdul Ahad Vakil, Member

Shri Bodh Raj Bali, Member
Moulvi Iftikhar Hussain Ansari,
Member
Shri Teja Singh, Member-
Convenor

APPENDIX XI

SELECT LIST OF MEMORANDUM SUBMITTED TO THE REGIONAL AUTONOMY COMMITTEE

1. 'Regional Autonomy Committee in J&K: A Panun Kashmir Viewpoint', Dr. Agnishekhar, Convenor, Panun Kashmir and Dr. Ajay Chrungoo, Chairman, Political Affairs, Panun Kashmir.
2. 'Memorandum Submitted to the Regional Autonomy Committee by Some of the Muslims of Jammu', M.A Rana, Mohammad Afeez, S.M. Jafarey, Tariq Khan et al.
3. 'Memorandum for Recommending Statutory Autonomous Hill Development Council for Chenab Valley Region consisting of District Doda, *Tehsil* Gool-Gulabgarh, Dudu Basantgarh of the Udhampur District, Lohai Palhar to Bani of Kathua District', Sheikh Abdul Rehman, MLA, Bhaderwah, Abdul Hamid Qazi, Qazi Jalal-ud-Din, MLA, Inderwal, Abdul Latif Malik, Prof. Mohammad Ayub, Master Abdul Gani, MLA, Gool, Farooq Ahmed Mir, MLA, Banihal et al.
4. 'Memorandum on Behalf of Jammu/Kathua Muslims'.
5. 'Memorandum for the Recognition of the Areas Falling under and adjoining to the Chenab Valley Division as the CHENAB VALLEY REGION and recommending Autonomous Hill Development Council for this Region', G.H. Khan, Ex-MLA, Kishtwar.
6. 'Paradigm of Autonomous Regional Councils in the Jammu & Kashmir State', Swami Raj Sharma.
7. 'Memorandum Submitted by Committee to Build Response on Autonomy (Constituted by Kashmiri Pandit Global Summit—January 19th and 20th 1997)' by Bansi Lal Kaul et al.
8. 'Demand for Doda Autonomous Hill Development Council for District Doda', A.R. Fida Kishtwari, President, Kishtwar Development Forum, Prethvi Singh, Mushtaq Ahmed Dev et al.
9. 'Regional Council for Rajouri-Poonch', Tahir Khurshid Raina.
10. Memorandum Submitted by Pt. Govind Ram Sharma, MLA, Akhnoor.
11. 'Suggestions for Regional Autonomy Councils, i.e. Jammu Regional Council', Jawaid Iqbal Khan, Billawar, District Doda.

12. 'Autonomous Regional Councils', Maj. Gen. Goverdhan Singh Jamwal, Jammu.
13. Memorandum Submitted by S.I.H. Kazmi, Dalpatian, District Jammu.
14. Memorandum Submitted by Prof. Brijlal Bhardwaj, Jammu.
15. Memorandum Submitted by the Kishtwar Development Forum.
16. 'Memorandum on Behalf of the Poonch-Rajouri Hill Council', Mohammad Younis Chauhan, President, Poonch-Rajouri Hill Council.
17. 'Memorandum Submitted for Grant of Regional Council Status for Rajouri and Poonch', Mohammad Gafoor Dar, Convenor, Forum for Regional Council of Rajouri and Poonch.
18. Memorandum Submitted by Dr. Bashir Ahmed Dawla, Jammu.
19. Memorandum Submitted by Mr. O.P. Sharma, Bagnoti, District Rajouri.
20. Memorandum Submitted by Mr. K.C. Bhagat, General Secretary, Bharatiya Dalit Sahitya Academy, J&K, Jammu.
21. Memorandum Submitted by Commander Inderjit Arora, Jammu.
22. Joint Memorandum Submitted by J.S. Jamwal and Prof. M.L. Kapoor, Jammu.
23. Memorandum Submitted by Indian Peoples Party, Jammu.
24. Memorandum Submitted by All J&K Scheduled Castes Welfare Forum.
25. Memorandum Submitted by Dr. R.R. Khajuria, Jammu.
26. Memorandum Submitted by Prof. Hari Om, Jammu.
27. Memorandum Submitted by Mr. N.C. Sharma, Jammu.
28. Memorandum Submitted by J&K Panthers Party, Jammu.
29. Memorandum Submitted by Bharatiya Janata Party.
30. Memorandum Submitted by Malik Ghulam Hyder, Deputy Speaker, Jammu & Kashmir Legislative Assembly.
31. Memorandum Submitted by Zanskar Rang Lump Goon Shed-dub Sampling Ryan, District Kargil.
32. 'Suggestions and Demands from the People of Zanskar Regarding Internal Autonomy of Three Regions of Jammu & Kashmir', Chewang Choster, President, Youth Buddhist Association, Zanskar, District Kargil.
33. Memorandum Submitted by Janata Party.
34. Memorandum Submitted by Jammu Mukti Morcha.
35. Memorandum Submitted by Viklang Chhatra Trust (Old Care Society), Akhnoor.
36. Memorandum Submitted by Panun Kashmir Movement, Ashwani Kumar, Convenor-PKM.
37. Memorandum on Behalf of Kashmiri Pandit Sabha, Triloki Nath Khosa.

APPENDIX XII

**REGIONAL AUTONOMY COMMITTEE
QUESTIONNAIRE**

Regional Autonomy Committee
34-B/B, IIInd Extn., Gandhi Nagar, Jammu

BALRAJ PURI
WORKING CHAIRMAN

Regional Autonomy Committee expresses its gratitude to all those who have sent their memoranda and expects more individuals and parties to favour us with their views on the terms of reference that have already been published. However, some of the memoranda have not adequately covered the terms of reference. In order to further elaborate them and facilitate those who are interested in contributing to this important task, the Committee is issuing the following questionnaire. You may send your reply till 15th May 1997.

(I) POLITICAL

- (1) What are the subjects that should be delegated to Regions?
- (2) What should be the institution at Regional level to deal with the subjects delegated to the regions?
 - (a) Should it have an elective legislature, if so, of how many constituencies and how to delimit these constituencies?
 - (b) Should the Regional Authority be headed by a Chairman or a Council like Committees? What should be their nomenclature?
 - (c) What cadre of services should be regionalized to deal with subjects assigned to the regions?
 - (d) Should the elective legislature have the power to legislate on the subjects delegated to the regions?
 - (e) In the event of difference of opinion between State Government and Regional Authority about the jurisdiction of the subjects, how to resolve it?

- (f) Should the State Government or on its behalf the Governor have the power to dismiss Regional Authority and legislature analogous the Article 356 of the Indian Constitution?
- (g) What should be the institutional arrangements at the district level? How should it be composed and what subjects should be delegated to the districts?
- (h) Should the Head of the District Authority be directly elected or by its members?
- (i) What should be the relation between elected head and the Deputy Commissioners?
- (j) In case the district committee or its head find that their decisions are not being implemented by the administration, what should be its authority to enforce compliance?
- (k) What should be the structure at the Block level and what subjects should be delegated to it? How should it be composed?
- (3) What are the subjects that should be delegated to the Panchayats?
- (4) Should there be a Gram Sabha to which Panchayat should be accountable and what should be its functions and powers?
- (5) If you have studied the Panchayati Raj Act of the State, year 1989, what amendments would you suggest in it to make it more democratic and effective instrument of administration?
- (6) What are the categories of persons for whom seats should be reserved at Regional, District, Block and Panchayat level?
- (7) Should there be provision for lower institutions to send their members to higher authority? If so, how much?
- (8) Similarly should there be some representative or representatives of the regional committees in the State legislature?
- (9) What constitutional changes do you suggest to accommodate and implement the recommendations of the Regional Autonomy Committee without affecting the integrity of the State?
- (10) What positive measures apart from constitutional including political, cultural and social should be adopted to promote emotional harmony and unity of the State and to remove all causes of tensions between ethnic and religious communities? And what special measures are needed to identify and protect interests of various groups and communities?

(II) ECONOMIC

- (1) What should be the basis of allocation of funds between and within the regions?
- (2) Which criterion and combination of criteria do you favour for this purpose:
 - (i) Area (ii) Population (iii) Backwardness (iv) Contribution made to the State Exchequer

Please also suggest criteria for measuring backwardness.

- (3) Should the formula of allocation of funds be statutory?
- (4) What should be the powers of the authorities at the respective levels to raise resources:
 - (i) taxes (ii) levies (iii) donations from people etc.
- (5) Should recruitment to services be done at different levels, i.e. State, Region, District, Block or Panchayat? If so, what are the cadre of service for which recruitment be done at different levels?

(III) CULTURAL

- (1) What steps should be taken for the promotion of languages, literature and culture of various linguistic and ethnic groups?
- (2) Are you satisfied with the present structure of the Academy of Art, Culture and Languages or would you suggest any changes in it?
- (3) Should cultural matters be dealt with by a Department separate from the Education Department and what should be its functions?
- (4) What measures should be taken to preserve ancient heritage, places of historic importance and artistic monuments?
- (5) What should be the policy for the greater use of official language and regional languages in the official work?
- (6) Should there be an element of compulsion in learning and reading of mother tongue, state language and national language?
- (7) Should education be made compulsory and universal?

(IV) SOCIAL

- (1) What legislative, executive and other measures should be taken to ensure gender equality and women empowerment?
- (2) Should child labour be abolished and how to compensate those families where a child alone is the bread earner?
- (3) What are the social evils prevalent in the community or communities of which you have knowledge?
- (4) Should government authority be used to curb those evils? And if so, to what extent?
- (5) What is the role of NGOs in eradicating social evils and how should they be helped by the government to undertake this task?
- (6) What should be the role of media in this task?
- (7) What special measures should be taken to spread literacy and social awareness among women of backward areas and communities?
- (8) What incentive should be provided to greater acceptability of a girl child and her education?
- (9) What are the shortcomings in the present programme of family welfare? Any suggestions for its improvement?

This questionnaire is not exhaustive but illustrative. Other suggestions and comments are also welcome on related subjects which have bearing on the terms of reference of the Committee directly or indirectly.

DIP/J-182P/97 dt 10/5/97

Source: *Kashmir Times*, 12 May 1997

APPENDIX XIII

REGIONAL AUTONOMY COMMITTEE REPORT (EXCERPTS) Jammu, April 13, 1999

29. The foregoing discussion leads this Committee to conclude that there is a strong case for the decentralisation of political and economic power which can be achieved through autonomy of the regions in the State. In this regard two objectives of ensuring the self-governance and rapid human development are central to the concept of autonomy. However, before any specific recommendations are made in this regard, it is relevant to define the regions within the State. This issue is basic to the political and economic empowerment of the people.

MAPPING THE REGIONS

30. The mapping of regions in Jammu & Kashmir is a complex task. The tribal attack from Pakistan which resulted in a part of the State going into the occupation of that country has further added to the complexities.
31. This Committee, through its interactions and memorandums submitted to it, has reached the conclusion that administrative divisions of the State have given erroneous impression that these constituted the actual regions of the State. It was pointed out that Ladakh has been declared administratively a part of Kashmir province. However, from any standard it cannot be considered as Kashmir region. It was equally argued that Jammu province comprised 22 former principalities, each having distinct historical background cannot be declared as a single homogeneous region. It was also represented that latest SRO-126 dated 28-06-1994 issued by the Jammu & Kashmir Government as a sequel to Justice A.S. Anand Committee Report, which was constituted to look into the social and educational backwardness of Doda district, declared 562 villages out of 655 villages as backward. It was validly argued that

hilly regions of the Jammu province, which were ethnically and even agro-climatically different from each other, faced different problems due to their specific geographical locations. Thus, the developmental strategies for these regions could not be uniformly applied at the provincial level. The Committee feels that this logic applies to Kashmir province including Ladakh also.

32. This Committee feels that there is dire urgency of defining the regions/provinces in the State to achieve the twin objectives of self-governance and rapid social development. The Committee is of the opinion that the prevailing classification of Provinces/Divisions are hampering the processes of social/human development. The Committee is also of the view that this arrangement is coming in the way of democratic participation at the grass-roots level within the State. Thus, in view of historical, social, ethnic and development factors, this Committee recommends that the existing two Provinces/Divisions of Jammu & Kashmir should be classified into eight new regions/provinces. The Committee, therefore, recommends reconstituting Regions/Provinces as follows:

- | | |
|------------------|--|
| 1. Kamraz | (Baramulla and Kupwara Districts) |
| 2. Nundabad | (Budgam and Srinagar Districts) |
| 3. Maraz | (Anantnag and Pulwama Districts) |
| 4. Chenab Valley | (Doda District and Tehsil Mahore) |
| 5. Jammu | (Jammu, Kathua & Udhampur [excluding Tehsil Mahore] Districts) |
| 6. Pir Panchal | (Poonch and Rajouri Districts) |
| 7. Ladakh | (Leh District) |
| 8. Kargil | (Kargil District) |

This classification has been documented in detail in the annexure 'A' to this report.

REGIONAL/PROVINCIAL COUNCILS (MODEL-I)

33. This experiment of regional/provincial autonomy will be the first of its kind in the country. Some guidelines regarding the constitution, elections and the subjects to be allocated to these Councils may be provided by District and Hill Councils established elsewhere in the country.
34. This Committee recommends the establishment of Regional/Provincial Councils in the State to meet the requirements of devolution of power to different Regions/Provinces in the State. This Regional/Provincial Council may be set up according to the classification of Regions/Provinces as provided in the Annexure 'A' to this report.
- 34.1. The Regional/Provincial Councils should be elected in the same manner in which the state legislature is elected. The delimitation of the

constituencies should be carried out by the State Election Commission constituted for this purpose. The number of constituencies should be determined in a manner that at least two members from each Block are elected to the Council according to the constituencies delimited for this purpose. There should be a reservation of 25% seats for women in the Council. The leader of the majority party so elected in the Region/Province shall head the Regional/Provincial Council and be designated as Chief Executive Councillor. He/She shall have the status of Minister of the State. He/She shall not have more than four Executive Councillors to aid and assist him/her.

- 34.2. The establishment of Regional/Provincial Councils shall, in no way, affect the institutions of the State, viz, Governor, Chief Minister and his Cabinet, Legislative Assembly, Judiciary and State cadre of services. These institutions shall continue as they are.
- 34.3. The Regional/Provincial Councils shall enjoy the executive and taxation powers which should be limited to the subjects allocated to the Council. These subjects should be allocated keeping in view the specificities of Jammu & Kashmir State. In this behalf, the experience of District Councils established elsewhere in the country could provide some guidance. However, this matter needs to be examined carefully by a Committee of Experts which may be constituted separately. There is equally a need to amend the State Constitution which would define the powers of the Councils as well as provide the mechanism for transferring of items from one list to another, i.e. from the State to Regional/Provincial list or vice versa. There is also need to evolve a mechanism to deal with the situation where the Regional/Provincial Council has lost the majority, or has failed to carry on its functions within the provisions of the State Constitution, or is working against the interests of the State or the Country.
- 34.4. It is well recognized that political autonomy is tethered to financial autonomy. However, as observed elsewhere, that this would be the first ever experiment of this nature in the country, the selection of subjects to be dealt with by the Regional/Provincial Councils and the areas of allocation of funds and powers of taxation etc. need to be worked out carefully. It is equally a fact that different Regional/Provincial of the State do not face uniform problems. For instance, the development problems of Nundabad Region and the problems of Maraz are not the same. In the same vein, the development problems which these Regions/Provinces face are not similar to the problems in Chenab Valley Region. This Committee is of the view that the basic objective of regional autonomy is to replace the mechanisms and processes of centralized decision making in governance and development by decentralized processes and mechanisms. However, the quest to evolve new mechanisms should not lead to the creation of new

centralized institutions which would hamper social development in the Regions/Provinces. This Committee is of the view that patterns of financial autonomy of Panchayati Raj institutions as prevailing in Karnataka, West Bengal and Kerala be further studied and a model for the financial autonomy of the Regional/Provincial Councils may be evolved. An Experts Committee may be constituted to propose a model for a financial autonomy for the Councils.

DISTRICT COUNCILS (MODEL-II)

35. This Committee is aware of the commitment of the Government in the State towards promoting better involvement and participation of people in different regions for a balanced political, economic, social, cultural and educational development. In this behalf, as discussed and proposed in foregoing paras of this report, the Regional/Provincial Councils would be the ideal institutions to achieve these objectives.
- 35.1. The Committee has suggested in its Approach Paper that more than one approach may be adopted in dealing with the issue of internal autonomy in the State. The Committee is of the view that this alternative approach may also be spelled out for the consideration of the Government. The Committee, therefore, recommends that the Government may consider setting up District Councils as an alternative to the Regional/Provincial Councils. In view of the experience of District Councils elsewhere in the country, the Committee feels that these Councils in coordination with Panchayati Raj institutions can be effective agents in augmenting the processes leading to faster pace of human development, besides providing effective organs of local self government. The State has been a forerunner in introducing the concept of 'District Planning' by initiating 'Single Line Administration' in the year 1976. The system was introduced to meet the aspirations of common man by making the planning more effective and ensuring speedy implementation of development programmes. In order to further democratise the system, the District Development Commissioners were replaced by Ministers of the Cabinet as chairpersons of District Development Boards. The Committee is of the view that this experiment has been quite fruitful. The establishment of District Councils shall, drawing upon this experience, completely democratise the processes of planning and development at the District level.
36. The Committee, therefore, recommends that in case this model of internal autonomy is accepted, suitable amendment in the Constitution of the State should be carried out.
37. The District Councils may be established in the existing districts of the entire Jammu & Kashmir State.
38. The District Councils should be elected in the same manner in which the State Legislature is elected. The delimitation of the constituencies

should be carried out by the State Election Commission constituted for this purpose. The number of constituencies should be determined in a manner that at least two members from each Block are elected from the constituencies delimited for this purpose. There should be a reservation of 25% seats for women in the Council. The leader of the majority party in the Council shall be designated as Chief Councillor and shall have the status of Minister of the State. He/She shall have not more than four Executive Councillors to aid and assist him/her.

39. The District Councils shall enjoy the executive and taxation powers which should be limited to the subjects allocated to the Council. These subjects should be allocated keeping in view the specificities of Jammu & Kashmir State. In this regard, the experience of District Councils functioning elsewhere in the country could provide some guidance. The Committee also recommends that an Experts Committee, proposing the subjects to be allocated to the District Councils, be constituted.
- 39.1. The Committee also recommends the evolving of mechanisms to deal with the transfer of subjects from the State list to District list and vice versa. There is also need to evolve the mechanism of dealing with a situation where the leader of the majority party has lost the majority in the Council, or has failed to carry on its functions within the provisions of the State Constitution, or is working against the interests of the State or Country.
40. The Committee recommends that the issues relating to the allocation of funds and the powers of taxation may be assigned to a Committee of Experts which should be constituted for this purpose. It needs to be recognized that the problems of development of different districts are not uniform.

CONCLUSIONS

1. This Committee is aware of the commitment of the Government in the State towards promoting better involvement and participation of people in different regions for balanced political, economic, educational, social and cultural development.
2. The Committee recognizes that there is a perception of neglect and injustice, real or imaginary, existing among the groups in the diverse regions/provinces of the State. The Committee is of the view that there is urgency in evolving the mechanisms of decentralization of political and economic power to the grass-roots level. There is equally an urgency to empower the local organs of State power.
- 2.1. In order to achieve the foregoing objective, the Committee has recommended the formation of Regional/Provincial Councils in the State. The Committee is of the view that identifying the Regions/Provinces at this point of time has a special relevance in achieving the objective of

devolution of power and bringing about the speedy social development by providing the opportunities of democratic governance and participation in developmental programmes to the ethnic identities in the State.

- 2.2. The Committee is also of the view that another approach of satisfying the urges of local self-governance and devolution of political and economic power to people at the grass-roots lies through the constituting of District Councils. The Committee has elaborately discussed the reasons of proposing an alternative model of District Councils.
3. The Committee leaves it to the discretion of the Government to accept and adopt one or the other model for the State as recommended in this report. The Committee also recommends that Government may constitute an Experts Committee and seek its opinion on the proposed models before taking a final decision in this behalf.
4. The Committee is of the view that constituting the Regional/Provincial or District Councils will have an enormous impact on the existing administrative structures in the State. Therefore, the Committee recommends constituting a Finance Commission for the Jammu & Kashmir State. This Commission would recommend the methods and mechanisms of raising the funds, devolving the funds to different organs and provide the norms for transfers from the consolidated fund of the State to Regional/Provincial or District Councils.
5. The Committee recommends that necessary amendments to the Constitution of Jammu & Kashmir, after the decision of adopting the model of Regional/Provincial Councils or the model of District Councils has been taken by the Government, should be carried out in order to bring a particular model within the Constitutional framework of the State.
6. The Committee recommends that necessary changes in the functioning of Academy of Art, Culture and Languages may be carried out in order to implement the recommendations made in the report.
7. The Committee also recommends the early setting up of Municipal Corporations in the capital cities of Srinagar and Jammu in view of the changing face of these two completely urbanised cities of the State.
8. The Committee recommends that in any set-up adopted by the Government, a special consideration may be shown for the development of the comparatively most backward and hilly areas of the State, viz., Lohai Malhar, Bani, Dudu Basantgarh, Panchari, Paddar, Marwah, Tangdar, Gurais and Uri.
9. The Committee expresses its gratitude to the people, political leaders, activists, writers, teachers, doctors from different regions of the State for extending their co-operation by interacting with the Committee.
10. The Committee concludes this report on this note

'The day will come when the progress of Nations will be judged not by their Military or Economic strength, nor by the splendour of their capital cities and public buildings, but, by the well being of their peoples; by their levels of Health, Nutrition and Education'. ('The Progress of Nations'—UNICEF document, 1994.)

(Sd.) Syed Mushtaq Bukhari
MLA

(Sd.) Mubarak Gul
MLA

(Sd.) Mohammad Shafi
Finance Minister

ANNEXURE-A

REGIONAL/ PROVINCIAL CLASSIFICATION

1. *Kamraz Region/Province* : This region/province may comprise two districts of Baramulla and Kupwara respectively. The region/province shall include the following *tehsils* :

TEHSILS

Bandipora	Gulmarg	Handwara
Sonawari	Uri	Karnah
Sopore	Tangmarg	Kupwara
Baramulla	Pattan	

BLOCKS

Baramulla	Boniyar	Sogam
Pattan	Sopore	Trehgam
Tangmarg	Hajin	Langate
Rohama	Bandipora	Kralpora
Rafiabad	Zainageer	Tangdhar
Wagoora	Gurez	Ramhal
Uri	Dangiwacha	Rajwar
Sumbal	Kupwara	

Estimated population: 12,77,618 persons

2. *Nundabad Region/Province*: This region/province shall comprise two districts of Srinagar and Badgam respectively. The region/province shall include the following *tehsils*:

TEHSILS

Srinagar	Kangan	Budgam
Ganderbal	Chadoora	Beerwah

BLOCKS

Srinagar	Nagam	B.K. Pora
Ganderbal	Khag	Khan Sahib
Lar	Chadoora	Beerwah
Kangan	Narbal	Budgam

Estimated population: 13,89,852 persons

3. *Maraz Region/Province*: This region/province shall comprise the two districts of Anantnag and Pulwama respectively. The region shall include the following *tehsils*:

TEHSILS

Pahalgam	Kulgam	Pulwara
Anantnag	Bijbehara	Tral
Dooru	Shopian	Pampore

BLOCKS

Achhabal	Brang	Keller
Shahabad	Qazigund	Pulwama
Shangas	Khovripora	Pampore
Kulgam	Dachanpora	Shopian
D.H. Pora	Tral	
Qaimoh	Kakapora	

Estimated population: 13,42,732 persons

4. *Chenab Valley Region/Province*: This region/province shall comprise the district of Doda including the *tehsil* Mahore (Gool-Gulabgarh) which is geographically contiguous to district Doda. The region shall include the following *tehsils*:

TEHSILS

Kishtwar	Ramban	Gandoh
Bhaderwah	Banihal	Mahore
Doda	Thathri	

BLOCKS

Banihal	Wadwan	Kishtwar
Ukheral (Ramsoo)	Assar	Bhaderwah
Paddar	Bhagwah	Mahore
Marwah	Inderwal	Arnas
Ramban	Bhalesa	Gool
Thathri	Doda	

Estimated population: 6,47,459 persons

5. *Jammu Region/Province*: This region/province shall comprise three districts, viz., Jammu, Udhampur (excluding *tehsil* Mahore) and Kathua. The following *tehsils* shall constitute this region:

TEHSILS

Jammu	Ramnagar	Billawar
Samba	Udhampur	Basohli
R.S. Pora	Reasi	Kathua
Akhnoor	Chanani	Hiranagar
Bishnah		

BLOCKS

Dansal	Vijaypur	Ghagwal
Bhalwal	Samba	Panchari
Satwari	Lohai-Malhar	Ramnagar
Puramandal	Bani	Ghordi
Khour	Basohli	Pouni
Akhnoor	Billawar	Reasi
Bishnah	Kathua	Dudu Basantgarh
R.S. Pura	Hiranagar	Majalta
Marh	Barnoti	Chanani

Estimated population: 21,80,958 persons

6. *Pir Panjal Region*: This region/province shall comprise two districts of Rajouri and Poonch respectively. The following *tehsils* shall constitute this region:

TEHSILS

Budal	Rajouri	Mendhar
Kalakote	Sunderbani	Surankote
Nowshera	Poonch (Haveli)	Thanna Mandi

BLOCKS

Poonch	Balakote	Budhal
Mandi	Darhal	Rajouri
Surankote	Manjakote	Nowshera
Mendhar	Sunderbani	Kalakote

Estimated population: 7,09,540 persons

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Outlook
Politics India

Sunday
Sunday Mail
The Asian Age
The Daily Excelsior
The Daily Srinagar Times
The Dawn
The Friday Times
The Frontier Post
The Herald
The Hindu
The Hindustan Times
The Muslim
The Nation
The News
The Pioneer
The Statesman
The Times of India
The Tribune

Index

- Abdul Rashid 108, 258
- Abdullah, Farooq 115, 142, 149-59
passim, 164-9 *passim*, 175, 182, 187,
 200, 201, 216, 237, 242, 248-58
passim, 266, 271, 272, 291, 293, 294,
 296, 302; dismissal of 152, 153, 156,
 164; election strategy of 150, 151,
 154; government's performance
 152, 248-54, 259, 272; on Kashmiri
 identity 150, 151, 153; and his
 relations with Indira Gandhi 150;
 on relationship with the Indian
 State 153; on relationship with
 Jammu and Ladakh 157
- Abdullah, Sheikh 41, 47-62 *passim*, 65,
 67, 69, 74-80 *passim*, 82-102 *passim*,
 107-11 *passim*, 114-17 *passim*, 122-8
passim, 133, 134, 138-49 *passim*, 153,
 155, 156, 158, 169, 177, 222, 236,
 240, 262, 293; on Article 370 79,
 80, 132n65; and an independent
 Kashmir 62, 94, 97, 98, 107, 117,
 128, 138; on regional autonomy 90,
 91, 100, 146; and his relations with
 Indira Gandhi 133, 134, 139, 140,
 143; and his relationship with
 Jawaharlal Nehru 56, 69, 76, 77, 96,
 97, 100, 110, 116-17; on two-nation
 theory 62, 77, 86, 117
- Abdullah, Tariq 153
- Accession Day 165
- Advani, L.K. 272
- Aftab* 166
- Aga Khan Rural Support Programmes
 196
- Ahle Hadith Sect 184
- Ahmadiyas 47, 48, 49
- Ahrars 47, 48, 49
- Ajat Shatru 254
- Akali Dal 286
- Al Badr 269
- Al Insan* 235
- Al-Jehad 229
- Ali, Muzzafar 198
- alienation, of the Kashmiris 17, 114, 124,
 153, 159, 255, 289; of the Kashmiri
 Pandits 202
- All India Kashmir Samaj 232
- All India Kashmiri Pandits Conference
 232
- All-India Anna Dravida Munnetra
 Kazhagam (AIADMK) 286
- All-India States Peoples Congress 52, 53
- All-Jammu & Kashmir Muslim Con-
 ference 46, 48, 51, 56-7, 58, 63, 64,
 66, 84, 100, 124, 180, 181; fragmen-
 tation of 60; political demands of
 57; support base of 57
- All-Kashmir State Peoples' Convention
 127, 135
- All-Party Advisory Committee 175
- All-Party Hurriyat Conference (APHC)
 188, 189, 190, 191, 192, 199, 200,
 201, 205, 211n72, 253, 254, 255,
 258, 269, 270, 293, 300
- All-Party Jammu Action Committee 144
- All-Party Ladakh Action Committee
 148, 149
- Allah Tigers 169
- Allama Iqbal 47
- Alsafa* 181
- Amarnath Yatra 190
- Anand, Girdhari Lal 58
- anarchy 12
- Andarbi, Aasiya 178, 179
- Anjuman Taraqqi Gojri Adab 235
- Anjumane Ittehad-ul-Musalmeen 157
- Ansari, Maulana Iftikhar 154
- Ansari, Maulvi Abbas 157, 188
- Arms Act of 1940 57
- Article 370 76, 79, 80, 95, 112, 134, 135,
 154, 174, 231, 255, 257, 258, 259,
 295
- Arya Samaj 44, 85

- Asar-i-Sharif 35
 Auchinleck, Field Marshal 66
Augaf 108
 Austin, Warren 97
 Autonomous Hill Councils 282, 283, 288, 296, 297; for Chenab Valley region 239; for Kargil 224, 225, 241; for Ladakh 17, 218, 223, 224, 262, 288, 297; for Leh 224, 225, 237, 239; for Poonch 237, 239; for Rajouri 237, 239
 autonomy 14, 200, 301; debate 17, 18-19; as an electoral issue 140; and its erosion in Kashmir 121-2, 124, 125; in Jammu 17, 78, 89, 90, 100, 118, 119, 121, 127, 139, 144, 157, 219, 222, 242; for Kashmir 78, 92, 94, 98, 100, 109, 110, 112, 127, 128, 132n65, 138, 146, 242; in Ladakh 89, 90, 100, 119, 121, 127, 139, 146, 148, 149, 157, 222, 242
 Awami Action Committee 124, 125, 132n64, 142, 150, 293
Awaz-e-Gurjar 235, 245n42, 246nn45 and 46
 Ayyangar, Gopalaswamy 80, 87
 Azad, Abul Kalam 125
 Azad Kashmir 16, 57, 153, 167, 170, 171, 177, 193, 194, 195, 196, 197, 198, 204, 301
 azadi 189, 199, 200, 201, 202, 203, 289, 295, 301; Islamization of 177, 294; meaning of 193, 252; movement for 168, 169, 171, 204, 258
 Azim Inqalabi 189, 200
 Baba Payamuddin Rishi 191
 Baba Rishi 35
 Baba Zainuddin Rishi 191
 Badr, Babar 199, 273n4, 274n14
 Bahujan Samaj Party (BSP) 284
 Bakkarwali language 234
 Bakkarwals 15, 32, 45, 233, 240; Hindu 45; and their language *see* Bakkarwali language; Muslim 45; and their Welfare Board 235
 Bakshi, Ghulam Mohammed 50, 59, 95, 101, 107, 108, 109, 111, 112, 113, 114, 115, 121, 122, 123, 134, 293
 Bakula, Kushak 88, 90, 99, 111, 119, 120, 149
 Baloristan/Balawaristan 196; *see also* Northern Areas
 Baltistan 16, 32, 34, 36, 37, 39, 41n1, 67, 87, 195; *see also* Northern Areas
 Balti 32
 Bandhu, Kashyap 58
 Banerjee, Mamata 285
 Banerji, Sir Albion 44
 Bangarappa, S. 285-6
 Baniharas 233; *see also* Gujjars
 Basic Principles Committee 90
 Basneeks 233; *see also* Gujjars
 Batmoal Rishi 191
 Bazaz, Prem Nath 49, 55, 58, 123
 Bedas 34
 Beg, Mirza Afzal 100, 110, 114, 117, 143
 Bharatiya Janata Party (BJP) 141, 150, 151, 157, 174, 175, 181, 192, 201, 222, 228, 242, 255, 256, 258, 259, 266, 272, 284, 285, 286, 294, 295, 298
 Bhatt, Abdul Ghani 188
 Bhutto, Benazir 175, 176, 197, 302
 Bhutto, Z.A. 193
 bicultural identity 280
 Big Landed Estates Abolition Act 84
 Bihar Jan Congress 286
 Biju Janata Dal 286
 block *samitis* 283, 297, 298
 Bodhi language 32, 90, 216, 265; introduction of 17, 120, 298
 Border Security Force (BSF) 270, 271, 272
 Bose, Sumantra 14, 15, 129n18
 Brokpas 32
 Buddhism 32-4, 36, 39
 Buddhist Action Committee 120
 Bukhari, Mushtaq 259
 Burkina Faso 200
 Burushaski 32
 Butt, Ghulam Nabi 189
 Butt, Maqbool 153, 189, 198
 Cabinet Mission 28, 54
 Cabinet Mission Plan 57, 73
 Ceasefire Line 16, 69, 128; *see also* Line of Control
 Central Land Development Bank 216

- Central Reserve Police Force (CRPF) 148, 165, 166, 172, 175, 271, 272
 Central Water Commission 216
 Centre-state relations 73, 101, 127, 135, 137, 139, 149, 282
 Chandra Shekhar 182, 223, 235
 Chandra, Naresh 269
 Charar-i-Sharif 35; crisis 192, 211n79, 212n84
 Chavan, S.B. 186, 187, 192, 200
 Chhewang, Thupstang 224
 Chitral Scouts 196
 Chostar, Tsewang 241
 Chou En-Lai 125
 Clinton, Bill 268, 269, 301
 collective action 26, 30n6; cause 26
 collective identity 11; politicization of 11
 colonial rule 21; and the transformation of the nature and form of political authority 23-4
 Commonwealth Heads of Government Meeting (CHOGM) 171
 Communist Party of India 101
 Communist Party of India-Marxist (CPI-M) 192, 254, 284
 Congress 13, 27, 28, 29, 49, 51, 53, 54, 62, 63, 64, 67, 73, 74, 92, 110, 119, 121, 123, 135, 136, 156, 157, 164, 177, 185, 201, 254, 266, 284, 285, 286; governments 15; ideology 60
 Congress-I 136-41 *passim*, 149, 150, 151, 152, 153, 154, 156
 Constituent Assembly, of the Indian State 28, 29, 54, 57, 62, 73, 74, 79; of Jammu & Kashmir 77, 79, 82, 83, 85, 86, 90, 91, 95, 98, 111, 113, 114
 Constitution Order of 1954 112
 counter insurgency 270, 272; strategy 291
 counter insurgents 198, 199, 201
 Cripps Mission 53
 cultural identity 11; politicization of 11
 cultural nationality 61
 Dalal, Abdul Salam 56
 Dar, Ahsan 200
 Dards 32
 Darjeeling Gorkha Hill Council 218, 288
 decentralization of power 24; in India 281-4; in Jammu & Kashmir 127, 297-8
 Delhi Agreement 77, 80, 90, 94, 95, 112, 135, 201
 Delimitation Commission 220
 Democratic Freedom Party 253, 258, 293
 Democratic National Conference 109, 110, 132n60
 Dhar, D.P. 101
dharma yudha 25; *see also* violence
 district councils 121, 131n44, 222, 264, 265, 283, 297, 298
 Dixon Plan 96, 99
 Doda Migrant Manch 256
 Dogra, G.L. 101
 Dogra, Hindus 39, 44, 60; Muslims 45; Rajputs 45, 58
 Dogra Desh 99
 Dogra rule, and the state of Jammu & Kashmir 16, 32, 37, 39, 44, 48, 51, 54, 55, 56, 57, 61, 84, 86
 Dogras 15, 40, 44, 45, 46, 48, 58, 65, 66, 75, 77, 83, 85, 88, 89, 109, 259
 Dogri language 32, 220, 234, 241, 298; and its inclusion in the Eighth Schedule of the Indian Constitution 17, 221, 241, 265
 Dogri Sangharsh Morcha 241
 Dogri Sanstha 241
 Domaaki 32
 Domkhar Hydel project 216
 Drasi 32
Dukhtaran-e-Millat 178, 179
 dyarchy, failure of 53, 55
 ethnic conflicts 11; and the modernist school 11
 ethnic groups 12, 265, 266, 278; alienation of 277
 ethnic identities 11, 74, 284; politicization of 11
 ethnic nationalism 17
 ethno-linguistic identities 262; of the Dogris 11; of the Gujjars 11; in the Jammu region 11; of the Paharis 11; *see also* Dogras, Gujjars and Paharis
 ethno-national movements 278
 European Union 268

- Farooq, Mirwaiz Maulvi 115, 124, 125, 126, 134, 150, 152, 166, 175, 177, 180
 Farooq-Rajiv Accord 156, 158, 159
 federal, autonomy 15, balance 282, 289, 296; governance 195, 242, 265, 278, 282, 283; grouping 282; integration 93, 107, 111-13, 114; structure 11, 73, 124, 135, 136, 137, 139, 248, 297
 federal scheme, reworking of 242, 282, 294, 296
 federalism 13, 24, 74, 135, 283
 federalist discourse 278-302
 federation, Indian 74, 281; loose 74, 281
 Fernandes, George 159, 175, 181
 Forum for Peaceful Resolution of J&K 200, 253, 258
- Gajendragadkar Commission 120-1, 146, 216
 Gajendragadkar, P.B. 120
 Gandhi Memorial College 87
 Gandhi, Indira 133, 134, 137, 140, 141, 143, 149-56 *passim*, 234, 235; and the Indian State 136, 140; and her relations with Farooq Abdullah 149; and her relations with Sheikh Abdullah 133, 134, 139, 143
 Gandhi, M.K. 67, 125, 302; and *Ramrajya* 27
 Gandhi, Rajiv 154, 167
 Ganguly, Sumit 14, 15
 Garas 34
 Gawkadal incident 169
 Geelani, Syed Ali Shah 142, 188, 254
 Gellner, Ernest 12
 Gilgit 16, 32, 36, 39, 41n1, 67, 90, 193, 195, 196, 197, 239; *see also* Northern Areas
 Gilgit Scouts 196
 Gilkar, Ghulam Nabi 51
 Gill, Avtar Singh 271
 Gill, P.S. 272
 Glancy Commission 46
 Gojri Adabi Board 235
 Gojri language 32, 233, 234, 235, 298
 Gojri Research Institute 235
 Golwalkar, M.S. and a Hindu nation 27
 governance 21, and the need for de-bureaucratization 283; non-participatory 258, 259; participatory 253, 264, 265, 279, 281, 283, 284; and a restructuring of 281; and the revival of 'pre-modern traditions' 279, 280; structures of 13; top-down system of 136, 281, 296
 Government Sericulture and Silk Labour Union 49
 Gowda, Deve 285
 Gracey, General 66
 gram sabhas 265, 283
 Greater Kashmir 144, 222, 234, 240, 262
 Grieson, George 233
 Gujjar and Bakkarwal Welfare Board 235
 Gujjar Desh 235
 Gujjar Gunj 235
 Gujjar Welfare Forum 237
 Gujjars 15, 32, 83, 233-5, 240, 259, 266, 277; *see also* Bakkarwals, Baniharas and Basneeks; a Scheduled Tribe status for the 17, 235; and their identity 234-5; and their language 233; *see also* Gojri; population strength of 233-4, 245n41; social profile of 233; and their Welfare Board 235
 Gujral, I.K. 253, 285
 Gurjar Desh Charitable Trust 235
 Guru, Dr. Abdul Ahad 187
- Habibullah, Wajahat 186
Hamdard 55
 Hamid Sheikh 170
 Hamidullah, Chowdhary 51, 56, 58, 60
Haqiqat 55
 Haqqani, Maulana Jalaluddin 184
 Harkat-ul-Ansar (HUA) 184, 190, 191, 204, 226
 Harkat-ul-Jehad-Islami 184, 254, 269
 Harkat-ul-Mujahideen 184, 269
 Haryana Vikas Party 286
 Hazratbal shrine 54, 115, 143, 190; crisis 115
 Hegde, Ramakrishna 286
 Henderson, Roy 97
 Hindi language 29, 31n20; and the dispute with Urdu 29
 Hindu Code Bill 29

- Hindu Mahasabha 85
 Hindu Marriage Bill 29
 Hindu nation 27, 174; *see also* M.S. Golwalkar
 Hindu Personal Law 57
 Hindu Progressive Party 52
 Hindu Succession Bill 29
 Hindustani language 23, 29, 31n20
 Hindutva 174, 255; *see also* Hindu nation and Hindu nationalism
 Hizb-i-Islamia 169, 184
 Hizbul Mujahideen 177, 182, 185, 187, 190, 191, 193, 199-204 *passim*, 226, 229, 269, 289, 290; and its agenda for Islamization 177; government response to 181-2; ideological adversaries of 180-1; on Kashmiri Pandits 177, 181; and the Majlis-i-Shoora 177; and mobilization 179-81; and its organizational base 177-8; and its strategy 178; and support from Pakistan 178-9
 Homeland, demand by Kashmiri Pandits for a separate 17, 227, 229-33; for Indian Muslims 53, 57, 64, 300
 Human Rights Commission 284
- Idara Adbiyat 235
 Idara Tahqiqat 157
 identity, concept of 21; debate on the concept of 16
 identity formation 22, 30; in Jammu & Kashmir 16, 45, 120
 India-Pakistan conflict on Kashmir 14, 15, 17, 18, 65-9 *passim*, 97, 117, 126-8, 164, 166-7, 170, 176-80, 182-4, 194-9, 203, 204, 253, 254, 267-9, 290, 291, 298-302
 Indian State, and the conflict with Kashmir 11, 17, 91-9, 126, 128, 134, 139, 167, 171, 204, 205; and the need for restructuring its relationship with Jammu & Kashmir 294; a post-modernist concept of the 280-4; and the regionalization of political forces 285-7; restructuring of 11, 18, 136, 137, 281, 285; and a strong central authority 13, 23, 28, 36, 136; and its structure 13, 28-9, 73-5
- Indo-American Kashmir Forum 232
 Indo-Canadian Kashmir Forum 232
 Indo-European Kashmir Forum 232
 Indo-Pak War of 1947-8 16, 65-6, 69
 Indo-Pak War of 1965 126-7
 Indo-Pak War of 1971 128
 Indo-Pakistani-Kashmiri Joint Defence Council 301
 Indus Water Treaty of 1960 292
 Instrument of Accession 74, 75, 76, 79, 92, 93, 101, 112, 169, 257
 inter-regional relations 80-91, 99-100, 111, 118-20, 127, 139-40, 289
 Inter-Services Intelligence (ISI) 178, 179, 198, 270; and the Field Intelligence Unit 179
 inter-state council 282
 'internal colonialism', theory of 12
 International Seerat Conference 142
 Islam, resurgence of 124, 125, 142, 143, 158, 168, 179
 Islamic Blood Bank 178
 Islamic fundamentalism 158
 Islamic Relief Committee 178
 Islamic Study Circle 157
 Islamization, of azadi 177, 294; drive 85, 142, 144, 226, 251; of the militant movement 177, 180-1
 Izhar-e-Latalugee 166
- Jagir* 37
jagirdari system 44, 57
 Jagmohan 152-5 *passim*, 169, 172-5 *passim*, 181, 182, 190, 194, 197, 198, 202, 203, 204, 205, 226, 289
 Jaitley, Ashok 172, 186, 251
 Jamaat-i-Islami 141-3, 144, 151, 154, 157, 158, 177, 178, 179, 185, 188, 191, 202, 204, 226, 293, 294, 298
 Jamiat-ul-Hadis 157
 Jamiat-ul-Mujahideen 184, 185, 193
 Jamiat-ul-Tulba 143, 157, 158, 178
 Jamiat-ul-Ulema-Islam 185
 Jammu Action Committee 147
 Jammu, agitation in 144-7; and a demand for a separate state 17, 215, 242
 Jammu Autonomy Forum 121, 131n43, 222

- Jammu Mukti Morcha (JMM) 219, 220, 221, 242, 243nn6 and 8; *modus vivendi* of the 221; and its vision of a separate state 219-21
- Jammu Municipal Council 144
- Jammu Muslims 222-3
- Jammu & Kashmir Academy of Art, Culture and Languages 235
- Jammu & Kashmir Armed Police (JKAP) 174, 217
- Jammu & Kashmir Commission of Inquiry *see* Gajendragadkar Commission
- Jammu & Kashmir Constitution (Amendment) Act of 1954 112
- Jammu & Kashmir Constitution Act of 1939 112
- Jammu & Kashmir Liberation Front (JKLF) 153, 165, 167, 169, 170, 171, 175, 177, 180, 182, 187, 188, 189, 190, 194, 197, 198, 202, 203, 204, 205, 226, 289, 290; government response to 174-5; marginalization of 176-7; and mobilization 170-2; organizational base of 170; strategy of 170-1; support of 171-2; and its vision of an independent state 169, 170, 176
- Jammu & Kashmir Pahari Cultural Forum 237
- Jammu & Kashmir Peoples' National Party (JKPNP) 194
- Jammu & Kashmir State Forces 78
- Jammu & Kashmir state, the making of 36-9; the restructuring of 260
- Jammu, and a demand for a separate state 219-21
- Janata Dal 254, 285
- Janata Party 140, 143
- Javed Mir 170, 180, 189
- Jawahar Rozgar Yojna 216
- jihad* 25, 31n9, 48, 55, 173, 178, 179, 180, 183, 185; *see also* violence
- Jihad Council 182
- Jinnah, Qaid-e-Azam Mohammad Ali 57, 58, 59, 64, 65, 66, 125
- Kak, R.C. 65
- Karachi Agreement (1949) 193
- Karbi Anglong Autonomous District Council 288
- Kargil 11, 87, 88, 102, 119, 120, 215, 216, 224, 225, 267; Crisis 267-73, 291, 298, 299, 301; Muslims 218, 224, 225, 241, 242, 259, 262, 277; and its relationship with Leh 11
- Kargil Action Committee 149
- Karnataka Vikas Party 286
- Karra, G.M. 126, 132n64
- Kashmir Accord (1975) 117, 134
- Kashmir Conspiracy Case 117
- Kashmir Overseas Association 229, 232
- Kashmir Pandit Sabha 232
- Kashmir Sansar* 55
- Kashmir Valley insurgency 11, 14, 19n14; and divisions in militant ranks 182-3; and the exodus of Pandits 173-4; *see also* Kashmiri Pandits; explanation of 14; and the failure of the Intelligence Bureau (IB) 167; and the failure of the Research and Analysis Wing (RAW) 185-7, 192-3; *see also* Research and Analysis Wing (RAW); and the induction of foreign mercenaries 183-5; and a mass political movement 169; and a negation of Kashmiri struggle 185; phase one of 164-75; phase two of 175-83; phase three of 183-7; phase four of 187-93; phase five of 198-200; and popular disillusionment 183; and popular reactions 191; and popular resistance 188; and the rationale for violence 172-3; and reasons for its failure 202-5; and regaining control 190-1; and the support of Pakistan *see* India-Pakistan conflict over Kashmir; and the underground militant movement 165-7
- Kashmiri culture 34, 144, 172; traditions 251
- Kashmiri identity 62, 94, 99, 100, 117, 124, 150, 153, 154, 155, 157, 164; and anti-Indianism 125; and the bifurcation between Muslims and Pandits 173-4; changing character of

- 61, 82, 94, 157, 169-70, 173, 201-2; construction of 48-56; as an electoral issue 158; and the Hazratbal platform 190; *see also* Hazratbal shrine; the Islamization of 16; the limited and fragmented edifice of the 100; and modernity 22-4; and political authority in pre-colonial India 21-2; the pre-modern 32-5; redefining 169-70, 201-2; and its relationship with the Indian State 11, 94, 128, 140; and its relationship with political authority 35-6; and its relationship with state and violence 24-7; *see also* violence; and its religious edge 16, 46, 124, 142, 154, 155, 157, 164, 202; and its secular edge 16, 17, 61, 66, 142; the tussle between the secular and religious of the 16, 50, 117, 155
- Kashmiri language 234
- Kashmiri Muslim identity 157-8, 222; the construction of 45-8; reconstruction of 56-8; the secularization of the 49
- Kashmiri Muslims 15, 40, 45, 83, 84, 88, 99, 155, 168, 171, 217, 226, 228, 229, 232, 260, 277, 289, 293, 294; and the dialogue with Pandits 190, 201, 293; and the divide with the Dogra Hindus 44, 45, 46; and the divide with the Pandits 15, 45, 46, 173, 226; as a majority community 39, 40, 45, 83, 141; political demands of 46-8, 52-4, 57-8, 277
- Kashmiri nation 86, 107
- Kashmiri Pandit Yuvak Sabha 46, 52
- Kashmiri Pandits 15, 40, 45, 46, 53, 83, 177, 181, 192, 201, 202, 226-33, 242, 249-52 *passim*, 256, 259, 260, 262, 277, 289, 293, 294; exodus of 173-4, 227, 229, 293; and the movement of Kashmir for Kashmiris 190; politicization of 11, 229-33; rehabilitation of 249-50; and the return of migrants 190, 250-1; a separate homeland for the 177, 229-233; *see also* Homeland; in state administration 45, 228
- Kashmiri Smiti 228, 232
- Kashmiriyat* 61, 185, 201
- Khadi and Village Industries Corporation 216
- Khan, Amanullah 153, 170, 176, 182, 189, 190
- Khan, Ayub 117
- Khan, Chowdhary Ghulam Abbas 50 51, 53, 56-61 *passim*, 63, 66, 222
- Khan, Gaffar 125
- Khan, Jehangir 250
- Khan, Raja Mohammed Akbar 55
- Khasa tribe 37
- Khowas 32
- Kilam, Jia Lal 58
- Kisan Sabha 49
- Kotwal, D.K. 259
- Ladakh Affairs Department, dismantling of 216
- Ladakh 16, 32, 34, 36, 37, 39, 80, 82, 84; agitation in 147-9, 215, 217, 218, 223-5; and an agitation for an autonomous hill council 223-4; *see also* Autonomous Hill Councils; and the demand for direct administration 87-9; and a demand for UT status 17, 215-18, 242; federal status for 90; and its relationship with the Dogras 88; and its relationship with Kashmir 119-20; religious divide in 17; social boycott of Muslims in 217-18, 277
- Ladakh Autonomous Hill Council Act 224-5
- Ladakh Buddhist Association (LBA) 217, 218, 223, 224, 241
- Ladakh Development Commission 119
- Ladakh Muslim Association (LMA) 223
- Ladakh Scouts 225
- Ladakhi Buddhists 15, 83, 87, 89, 102, 120, 148 216, 218, 242, 259, 294; and *hei* identity 215; politicization of 88
- Ladakhi Muslims 83, 120, 218
- land reforms 83, 84, 88, 94
- Lashkar-i-Toiba 184, 254, 269
- Lawrence, Walter 233
- Limaye, Madhu 146

- Line of Control 175, 180, 198, 240, 267, 268, 269, 270, 298, 299, 301, 302; *see also* Ceasefire Line
- linguistic identity 11; politicization of 11
- Linguistic Provinces Commission 28
- Lodhi, Bilal 199
- lok parishads* 56
- Lok Shakti 286
- Lone, Abdul Ghani 157, 188, 254
- Lone, Mushtaq 272
- Madhok, Balraj 85
- Mahajan, M.C. 76
- Mahaz-e-Azadi 158
- Majlis Tahafazul-ul-Islami 157
- majority community 22, 24, 25, 262; *see also* Kashmiri Muslims
- Makhdum Sahib 35
- Malik, Yasin 170, 189, 190, 191, 205
- Markaz-Ud-Dawa-Wal-Irshad 179, 184
- Marwah, Ved 181
- Masoodi, Maulana Mohammad Sayeed 50, 55, 59, 88, 115, 126
- Mast Gul 192
- Mazda Sabha 49
- militant movement, changing character of 164-205, 269; mass political 169, 289; underground 165-7, 289
- militants, a divide in the ranks of 182-3; gaps in the government's strategy in dealing with the 271-2, 289, 290; ideological divide among the 290; Kashmiri 18, 164; mercenary 18, 183-5, 198, 202, 267, 289; pro-government 189, 199; rehabilitation of 249-50; strategy of 165-7, 170-1, 178; talks with 187, 189, 200, 253-4, 293
- Miller, Don 22
- Ministry of Kashmir and Northern Areas Affairs (KANA) 195
- Minorities Commission 284, 298
- minority communities 14, 22, 24, 39, 141, 144, 149, 262, 266, 278
- minority identities, fragmentation of 30; safeguards of 51, 284
- Mir Qasim 121, 122, 123, 133, 134, 138, 141, 142, 159n1, 160n14, 293
- Mishra, Jagannath 286
- mobilization, instruments of 23, 173; mass 23, 171; strategy of the Kashmiri Muslims 47, 179-81; strategy of the Muslim Conference 48-52; strategy of the National Conference 52-6
- modern identity 23, 24
- modernity, colonial 21, 39-41; and a modernist worldview 11, 280; and the transformation of the concept of identity 22, 40
- Moe-e-Muqaddas* 115
- Mohammad Aziz 270
- Mohammad Shafi 240
- Mohinuddin 200
- Mookerjee, Syama Parsed 86, 99
- Mountbatten, Lord 75
- 'mujahedin' 169, 172, 178, 179, 269, 270
- Mullick, B.N. 75
- Musharraf, Pervez 269, 270, 298, 302
- Muslim Education Trust 157
- Muslim League 51, 52, 53, 57, 59, 63, 64, 65, 66
- Muslim Socialist Party 57
- Muslim United Front (MUF) 157-8, 159, 166, 175, 188, 205n1
- Muslim Welfare Society 157
- Muslim Young Men's League 45
- Nahida Imtiaz 188
- Namgyal, P. 149
- Nandy, Ashis 12
- Narayan, Jayaprakash 147
- nation-building 13, 14, 137, 281
- nation state, the Indian 27-9, 277; creation of 13, 27, 28; European model of 13, 27, 278; and the fear of diversity 12; and the forces of globalization 278; and its fragmentation 12, 14; logic of 13, 24, 279; modernist concept of 11-12, 277-9; narrative of 12; and the need to federalize 278, 279; pressure on 278-9; structural features of 13; *see also* Kashmiri nation
- National Conference 51-67 *passim*, 74, 75, 77, 79, 82-95 *passim*, 101, 108, 110, 111, 115, 121, 139-44 *passim*, 149-54 *passim*, 166, 169, 175, 177, 187, 192, 200, 201, 240, 242, 248, 249, 253-59 *passim*, 266, 272, 291,

- 294, 296, 297; dissolution of the 123-4; 125; Hindu leaders of 53, 55, 60; Muslim leaders of 53; revival of 139; Sikh leaders of 53, 59, 60; *see also* Sardar Budh Singh; split of 53, 60, 100, 101, 110; support base of 52
- National Conference-BJP alliance 255, 294
- National Conference-Congress electoral alliance 155-7, 158, 159, 255, 294
- National Cultural Front 67
- National Demand 51, 53
- National Democratic Alliance (NDA) 252, 255, 286, 295, 302
- National Hydel Power Corporation (NHPC) 216
- 'national' identity 30, 299; the need for rethinking the notion of a 11, 18, 281
- National Kashmir 52, 53, 84, 91
- National Militia 66
- nationalism 28, causes of 12; Hindu 25, 78, 85; Indian 17, 24, 27, 62, 63, 77, 78, 110, 117, 125, 277, 284; Islamic 17, 78, 125, 177; Kashmiri 169; Marxist understanding of 12; modernist 27; Pakistani 17, 62, 63; religious 294; the rise of 11; secular 78, 177, 255; territorial 185
- Nationalist Congress Party 286
- nationalist consciousness 21, 24;
- nationalist discourse 11, 12, 277, 300; critique of 277-8; Indian 277; Pakistani 277
- nationalist movements 12
- Nawai Qaum* 235
- Nawaz Sharif 268, 269, 298, 301
- Nehru, Arun 153
- Nehru, B.K. 152
- Nehru, Jawaharlal 56, 69, 73-9 *passim*, 87, 89, 90, 93, 95, 96, 100, 101, 110, 113, 115, 116, 117, 125, 136, 137, 138, 141, 165, 169, 278; and his conception of Indian nationalism 13, 28-9, 74, 77, 78, 110, 117, 278-9; and his relations with Hari Singh 76; and his relations with Sheikh Abdullah 56, 69, 76, 77, 96, 97, 98, 100, 110, 116-17; on secular state 29, 75, 77, 78
- Nehru, Motilal 88
- Nehru-Abdullah Agreement (1952) 295
- Nizam-i-Mustafa* 158, 173, 179
- Non-Aligned Movement (NAM) 171
- Noordin, Sheikh 192
- Norbu, Pinto 259, 266
- Northern Areas 193, 301; anti-Shia riots in the 196-7; constitutional status of the 194-6; history of the 16, 194-5
- Organization of Islamic Countries (OIC) 171, 179, 203
- Pahari language 32, 234, 298
- Paharis 235-41, 266, 277; and the articulation of their identity 236; and the creation of a Pahari region; and their demand for a Scheduled Tribe 17, 237; and the demand of a separate provincial status 266; and the demand for a Welfare Board 237; and the dropping of the demand for an Autonomous Hill Council 266; population strength of 236-7; social profile of 236
- Pakistan, and its changing Kashmir strategy 267-9; and its impact on the local militancy 267-9; and its inability to remain as a 'patron' of the Kashmiri cause 291; and its projection as a protector of Kashmiri interests 269
- Pakistan's national identity, and the importance of Kashmir 16, 176, 300
- Pakistan Army, and its involvement with mujahedin movements 270; and the Kargil crisis 267, 269, 270
- Pakistan Peoples Party (PPP) 197
- Pakistan Resolution 53
- Pan-Islam, agenda 183-4; government response to 185-7; ideology 142, 185, 190, 202; organizational base of 184-5; strategy of 183-5; warriors 184-5
- Panchayat Raj Act 264
- Panchayati Raj institutions 264, 282
- Panchayats, in India 282, 283, 287, 288, 297, 298; in Jammu & Kashmir 53, 90, 127, 146, 222, 253, 265
- Pandit, Ghulam Jalani 166
- Panun Kashmir 229, 231, 232, 260, 262; strategy of 227, 232

- Paramountcy 48, 54, 62, 63, 64
 Parimu language 234
 Parrey, Kukka 199
 Patel, Sardar 29, 75, 77, 79
 Pawar, Sharad 286
 Peace Brigade 66, 109
 Peasants Association 49
 People's Conference 157, 175, 188
 People's Democratic Party (PDP) 254, 255, 266, 291, 294
 People's League 158, 169, 175, 189
 People's National Conference 157
 Pilot, Rajesh 186, 187, 192
 plebiscite 62, 75, 92, 96, 99, 110, 113, 117, 126, 127, 128, 133, 134, 151, 170, 177, 188, 205, 300
 Plebiscite Front 110, 114-15, 121, 123, 124, 125, 129n4, 132n59, 133, 138, 141, 173
 plurality, of the Indian state 11, 12, 13, 137, 138, 279; of Jammu & Kashmir 15, 32, 100, 120, 222, 277; and the pre-modern identity 21-2, 32-5
 political majority, ethnic character of 47-8, 184-5; organization and consolidation of 46-8, 50-2, 54-6, 141-3, 157-8, 170-2, 177-81; *see also* Kashmiri Muslims
 politicization, of cultural traits 54-5, 61, 67; of the Kashmiri Pandits 11; of sub-national identities 281; of tradition 54-5, 179-80
 post-modernist approach 12, 280-1
praja mandals 56
 Praja Parishad 83, 89, 95, 99, 109, 123, 129n4; agitation 74, 76, 84-7, 93, 94, 102
 Praja Sabha 50, 58
 Praja Socialist Party 109, 110, 132n60
 Prasad, Shankar 121
 Provincial Councils 264
 Punjabi Muslims 47, 48, 49, 60
 Punjabis, under the Dogras 44, 45
 Purgis 32
 Puri, Balraj 55, 89, 102, 109, 110, 119, 147, 153, 154, 157, 222, 259, 260, 264, 265, 266
 Qara, Mohin-ud-Din 55, 59
 Qazi Nissar 155, 157, 158, 159, 188, 191
 Qayyum, Sardar Abdul 170
 Quit India Movement 54
 Quit Kashmir Movement 54, 55, 56, 57, 62, 63
 Qureshi, Abdul Majid 56
 Qureshi, Hasim 167, 176
 Qureshi, Mohammad Yousuf 51, 56, 71
 Qureshi, Mohammed Shafi 154
 Rahaban, Mohi-ud-Din 56
 Rahi, Imran 199
 raiders' attack 66, 67, 74, 75, 84, 91
 Ram Mohan, E.N. 271
 Ram Rajya Parishad 85
 Ramamurthy, V. 286
Ranbir 55
 Rao, Krishna 186, 187, 192, 237
 Rao, Narasimha 185, 192, 200
 Rashtriya Janata Dal 286
 Rashtriya Janata Party 286
 Rashtriya Rifles 270, 271
 Rashtriya Swayamsevak Sangh (RSS) 78, 85, 87
 Rathor, Raja Mumtaz Hussain 197
 Reading Room Party 45, 69n4
 Regional Autonomy Committee 256, 259, 260, 262, 264, 265, 266, 296, 302
 Regional Autonomy Committee report, critique of 262-6; recommendations of 262-6
 regional councils 56, 90, 121, 131n44, 215, 222, 242, 264, 265, 282, 283, 297
 regional development boards 121
 regional identities 11, 74, 121, 288; of Jammu 11, 16, 82, 140, 241; of Ladakh 11, 82, 140, 241; politicization of 11, 82; and the relationship with the state 11
 'regional relative deprivation' theory 12
 religious identity 11, 23, 74; politicization of 11
 Research and Analysis Wing (RAW) 181
 Resettlement Act 150
 Rishis 33; and the Rishi Order 32, 34, 172
 Rose, Leo 193

- Rushdie, Salman 165
Sach 55
Sadakat 55
 Sadar-i-Riyasat 76, 89, 112, 116, 119, 122, 135, 257, 295, 297; *see also* Karan Singh
 Sadiq, Ghulam Mohammed 49, 59, 65, 101, 115, 119-24 *passim*, 126, 127, 134
 Sagar, Ali Mohammad 188
 Sagar, Allah Rakha 56, 222
 Salati, Mohiuddin 154
 Saraf, Mulk Raj 55
 Sartaj Aziz 267
 Saxena, G.C. 181, 182, 237
 Sayeed, Mehbooba 254, 255
 Sayeed, Mufti Mohammad 168, 175, 254
 Sayeed, Rubaiya 168, 188
 secessionist movement 17, 18, 138, 281; of Kashmiris 14, 15, 17, 164-205, 269, 270, 277, 289
 self-determination 75, 99, 101, 112, 114, 126, 127, 133, 169, 171, 188, 189, 190, 193, 203, 277; and the abandonment of the demand for 133; and the de-linking of the question of accession 113-14; demand for 53, 54, 95, 114-15, 124, 127, 173; movement by Kashmiris for 14, 15, 65, 277; right of 15, 16, 53, 54, 61, 75, 86, 99, 100, 101, 112, 124, 125, 126, 169, 171, 185, 188, 189, 190, 193, 203, 284, 301
 'self-determination and autonomy discourse' 277
 Sethi, K.D. 59
 Sethi, P.C. 152
 Shah Hamadan 35
 Shah, Agha Ibrahim 119
 Shah, G.M. 152-7 *passim*, 162n51, 166
 Shah, Ghulam Moin-ud-Din 258
 Shah, Shabir 175, 180, 189, 190, 191, 199, 205, 253, 293
 Shah, Mirwaiz Yusuf 48, 49, 52, 56, 58, 60, 124
 Shaivism 33, 34, 41n4
 Sharp Commission 69n1
Sheeraza 235
 Sher-e-Kashmir Institute of Medical Sciences 220
 Shia Rabita Committee 157
 Shimla Agreement 128, 132n64, 133, 203, 269, 299
 Shina 32
 Shiv Sena 286
 Shourie, Arun 150
 Siachen Glacier 267, 272
 Sikri Commission 147; Report 148
 Sikri, S.M. 147
 Singh, Sardar Budh 55, 59
 Singh, Dhyan 37
 Singh, Gulab 37
 Singh, Maharaja Hari 41, 46, 47, 53, 55, 56, 63, 65, 67, 74, 75, 76, 78, 85, 87, 91, 151, 169
 Singh, Jaswant 298
 Singh, Karan 76, 85, 89, 116, 119, 254
 Singh, K. Suresh 280
 Singh, S. Mahinder 55
 Singh, V.P. 174, 175, 182, 223
 Smith, Anthony D. 12
 Soz, Saifuddin 188, 254
 Stakna Hydel Project 216
 State Assembly 90, 108, 135, 153, 157, 216, 220, 229, 242, 258, 266, 297
 State Autonomy Committee 256-9 *passim*, 265, 295, 302
 State Autonomy Committee report, critique of 258-62; recommendations 257-62
 State elections 108, 122, 133, 138, 139, 140, 141, 143, 149-51, 158-9, 187, 248, 254, 255, 273, 290
 'state-subjects' 46, 51, 52, 86, 92, 100, 295
 states, autonomy of the 282, 295; as federations 282; linguistic 28; re-organization of 28, 74, 283, 287-8
 Students Federation 49
 subaltern studies 12
 sub-cultures 242
 sub-nation 93
 sub-national identities 18, 30, 74, 91, 93, 137, 138, 241, 281, 282; and the structural causes of conflicts arising from the demands of 11
 sub-nationalities 13; as a threat to the nation state 12

- sub-regional differences 111, 149
sub-regional identities 18, 91, 288;
assertion of 215, 225-42; and the
relationship with the regional
centres 11
Sufi Islam 32, 33, 34, 39, 61; preachers
33; tradition 34
Syed Salahuddin 177, 178, 181
- Tablighi Jamaat 184
Tafusal Islam 158
Taliban militia 269
Tamil Maanila Congress (TMC) 285
Tarigami, Mohammad Yusuf 254
Tashkent Agreement 126
Telegraph Employees Union 49
Telugu Desam Party 286
Thackeray, Bal 232
Thiksey, Kushak 120
Tibetan Lamaism 34
Tongdan, Kushak 120
Treaty of Amritsar (1846) 37, 54, 88, 89
Triikka philosophy 32, 34
Trinamool Congress 285
Turpentine Labour Union 49
- Umar Farooq 188, 254
Ummat-e-Islami 157
'uneven development theory' 12
UN Human Rights Commission 203
UN International Security Committee
203
UN Security Council 89, 113
Uniform Civil Code 29
United Front government 201, 253,
285, 286, 288; and its commitment
to grant 'maximum autonomy' to
Jammu & Kashmir 242
United Jihad Council 269, 270
United Nations 62, 75, 80, 96, 97, 128,
153, 169, 171, 177, 188, 189, 193,
205, 300
United Nations Commission for India
and Pakistan (UNCIP) 193
Universal Declaration of Human Rights
(1948) 232
Universal Islamic Declaration of Human
Rights 232
- Urdu 29, 85, 88, 234; and the dispute
with Hindi 29; and its imposition
in Ladakh 216
- Vaghela, S.S. 286
Vajpayee, A.B. 268, 298
Vakil, Abdul Ahmed 251
Varshney, A. 87, 98
Vedic brahminism 32, 34
violence, cleansing force of 26; by
identities 25, 26; Jammu Mukti
Morcha's threat to use 219-21; in
Kashmir 46, 164-205; by Kashmiris
46, 164-205; Ladakhis' threat to
use 219-21; and its legitimization
through religion 25, 173; Panun
Kashmir's threat to use 227, 232;
rationale for 25-7, 172, 173, 179;
religious 25
- Wakhi 32
Wangyal, Sonam 120
Wani, Ashfaq Majid 170
War Council 55
Watan 55
Wazir Commission 220
Wazir-i-Azam 76, 122, 135, 257, 295, 297
Wirsing, Robert 176
World Islamic Youth Council 143
World Kashmiri Pandit Conference 231
- Yachu, Sham Lal 113
Yadav, Laloo 286
Yar, Mian Ahmad 51
Yasmeen 188
- Zain Shah Sahib 191
Zaki, M.A. 186, 187
Zanskar, and its relationship with Kargil
11
Zanskar Buddhist Youth Association 241
Zanskar Buddhists, and a demand for a
sub-hill council 241
Zia-ul-Haq 196
Ziarat Dastgir Sahib 48
Zora, Rigzin 217, 218